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Journal

of the Legislative Council of the Territory of Arkansas begun & held in the Town of Little Rock on Monday the ~~Eighth~~ Seventh day of October in the year of Our Lord One thousand Eight hundred & thirty three and of the Independence of the United States the Fifty Eighth

At a meeting of the General Assembly of the Territory of Arkansas, began and held at the Capitol, in the Town of Little Rock, on the first Monday of October, it being the Seventh day of said Month, in the Year of our Lord One thousand eight hundred and thirty three, the day fixed on by law for the meeting of the General Assembly, and of the Independence of the United States of America the fifty-eighth year: The following members of the Legislative Council met present, qualified & took their Seats, to wit:

2 From the County of Chicot, Samuel Anderson
3 From the County of Clark Robt Thompson
4 From the County of Conway Amos Kaylendall
5 From the County of Crawford Robert Sinclair
6 From the County of Pittaman Wright W Elliott
7 From the County of Hempstead [illegible] W. Judkins
8 From the County of Hot Spring John T. Calloway
9 From the County of Independence James Bonnell.
10 From the County of Izard Jacob Wolf
11 From the County of Jackson Roland Tilman
12 From the County of Jefferson James H Caldwell
13 From the County of Lafayette Geo G. Duty
14 From the County of Lawrence Thompson H Pickens
15 From the County of Miller James [illegible] Clark
16 From the County of Monroe Lafayette Jones
1 From the County of Arkansas Fowler Merrelly

From the County of Phillips, Wm F. Moore
From the County of Pope, John Williamson
From the County of Pulaski, Allen Martin
From the County of Sevier Joseph W. McKane
From the County of St. Francis Charles H Alexander
From the County of Union Hiram Smith
From the County of Washington Mark Bean

A quorum of Members being present, on motion of Mr. Smith, Mr. Wolf was called to the chair, and the members being called to order, proceeded to the Election of a President. Mr. Anderson nominated Mr. Ficklin, and Mr. Sinclair nominated Mr. Bean. Messrs. Sinclair & Bozzell were appointed Tellers, and, on the first balloting, the vote stood as follows. For Mr. Ficklin, eleven votes. For Mr. Bean, 10 votes. For Mr. Wolf, 1 vote, & For Mr. Kuykendall, 1 vote.

And, no one having received a majority of all the votes, the Legislative Council proceeded to a second balloting, whereupon Mr. Ficklin received 11 votes. Mr. Bean received 10 votes. Scattering 2.

And no one having received a majority of all the votes, a third balloting was proceeded to, whereupon Mr. Ficklin received 11 votes and Mr. Bean received 10 votes. Scattering 2

And no one having received a majority of all the votes, the Legislative Council proceeded to ballot a fourth time, whereupon Mr. Ficklin received 11 votes and Mr. Bean received 10 votes. Scattering 2.

On motion of Mr. Farrelly, the Legislative Council then proceeded to elect a Secretary. Mr. Elliott nominated Wm P. Rayburn, and Mr. Farrelly nominated William F. Yeomans. Messrs Bozzell & Sinclair were appointed Tellers, and, upon the first balloting, the result was: For Wm F. Yeomans 12 votes, For Wm P. Rayburn 11 votes.

Whereupon Wm J. Yeomans was declared duly elected Secretary of the Legislative Council, and was qualified, and entered upon the discharge of his duties
P On motion of Mr. Elliott, the Legislative Council next proceeded to the election of an Assistant Secretary. P Mr. Judkins nominated Daniel E. Williams; Mr. Smith nominated William D. Ward; Mr. Elliott nominated John E. Graham; Mr. Tidwell nominated James M. Campbell; Mr. Sinclair nominated Henderson Lewis.
P Messrs Sinclair & Bozeman were appointed Tellers. Upon the first balloting, P Mr. Williams received 5 votes, P Mr Ward received 7 votes, P Mr. Graham received 5 votes, Mr Lewis received 5 votes, & Mr. McCampbell received 1 vote. P And no one having received a majority of the whole number of votes given, the Legislative Council proceeded to a second balloting; whereupon
P Mr. Ward received 9 votes, P Mr. Graham received 7 votes P Mr. Williams received 5 votes, P Mr. Lewis received 2 votes. P No one having received a majority of all the votes a third balloting was proceeded to, which resulted as follows: P Mr Ward received 12 votes. P Mr. Williams received 6 votes, and P Mr. Graham received 5 votes.
Whereupon William D. Ward having received a majority of all the votes given, was declared duly elected Assistant Secretary of the Legislative Council.

On motion of Mr. Farrelly the Legislative Council then proceeded to the election of a door keeper. P Mr. Jones Farrelly nominated Shuane Gray; Mr Shy Kendall nominated Nicholas Dougherty; Mr. Martin nominated William Atchison; Mr. Anderson nominated Francis G. Lefaver; Mr. Tecklin nominated ——— Vanhant; Mr. Williamson nominated Dunbar; Mr. Farrelly nominated Benj. Clemens; Mr. Elliott nominated Jacob Downing; and Mr. Farrelly

nomination Jesse Blair & Theron Brownfield. Upon the first balloting Mr. Gray received 7 votes, Mr. Clemens received 5 votes, Jack Downing received 4 votes, Mr. Lefave received 2 votes, Mr. Vanbant received 2 votes, Mr. Atchison received 1 vote, Mr. Dunbar received 1 vote, Mr. Doughten received one vote. And no one having received a majority of the whole number of votes, the Legislative Council proceed to a second balloting; when Mr. Gray received 12 votes, Mr. Doughty received 1 vote, Mr. Clemens received 6 votes, Mr. Atchison received 2 votes, Mr. Vanbant received one vote, and Mr. Dunbar received 1 vote.—

Whereupon Shuard Gray, having received a majority of all the votes given, was declared duly elected Door-Keeper of the Legislative Council.

On motion of Mr. Farelly, the Legislative Council proceeded to a fifth balloting for President; when Mr. Ficklin received 11 votes, Mr. Bean received 10 votes, and 2 votes Scattering

And no one having a majority, a sixth balloting was proceeded to; when Mr. Ficklin received 11 votes, and Mr. Bean received 10 votes, 2 votes Scattering. And no one having a majority of all the votes given, the Legislative Council then proceeded to ballot the 7th time; when Mr. Ficklin received 11 vots, and Mr. Bean Received 10 votes, 2 vots Scattering. And no one having received a majority of all the votes given, Mr. Farelly moved that the Secretary adjourn the Legislative Council till to morrow, at 9 O'clock; which motion being carried in the affirmative, The Council adjourned accordingly

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Tuesday, October 8th 1833

The Legislative Council assembled, and was called to order by the Secretary.

On motion of Mr Farrelly, Mr. Wolf was called to the chair.

Mr. Elliott moved that the Council proceed to the election of a presiding officer.

Mr. Bean proposed that himself and Mr. Ficklin withdraw their names as candidates for that office, which was not acceded to.

Mr Mitchelson moved that the Council proceed at once to the election of a President, which motion was sustained. The Council accordingly proceeded to elect a presiding officer, when the result was as follows:- For Mr. Ficklin 11 votes, for Mr Bean 10 votes, 2 scattering.

Mr. Bean then arose, and, after a few remarks, withdrew his name & Mr. Sinclair then nominated Mr. Farrelly for the office of President of the Legislative Council; when, upon the first ballot, the vote stood: For Ficklin 12 votes, for Farrelly 1, 2 scattering. Mr. Thompson & Ficklin was declared duly elected, and was conducted to the chair, and entered upon the discharge of his duties.

On motion of Mr. Sinclair, the assistant Secretary & Door Keeper were qualified, and entered upon the discharge of their respective duties.

The following message was received from the House of Representatives by Mr. Rathford:

"Mr. President— I am instructed to inform your Honorable body, that the House of Representatives of this General Assembly have organized their body, by electing Mr. John Wilson Speaker, Mr. James B. Slate clerk, and Mr. James Coulter door-keeper, and are ready to receive communication from the Legislative Council.

On motion of Mr. Elliott — Resolved, That a joint committee of three be appointed, on the part of the Council, to join such committees as may be appointed on the part of the House of Representatives, to wait upon the Governor, and inform him that the two Houses are organized, and ready to receive any communication which he may be pleased to make. And the question being put on the adoption of said resolution, it passed in the affirmative; and Mr Bean was appointed to inform the House thereof.

Mr. Sinclair offered the following resolution: — Resolved, that Mr. C. P. Bertrand & Mr William E. Woodruff, publishers of public journals, be admitted within the Bar of the Council, for the purpose of extracting from the Journals such matter as they may think fit for publication. Which resolution was concurred in by the Council.

A message was received from the House of Representatives, informing the council, that a committee of four had been appointed from their body, to act in conjunction with such committee as may be appointed by the Legislative Council, to wait upon the Governor, and inform him that both Houses were organized, & ready to receive any communication he may think proper to make.

Mr. Sinclair offered the following resolution:

Resolved, That the rules and joint rules of the General Assembly of 1831, be adopted for the government of this Assembly, during the present session. Which resolution was adopted by the Council; and a message was sent to the House of Representatives, requesting their concurrence in the same.

A Message was received from the House of Representatives, informing the Legislative Council, that they had adopted the joint rules of 1831, for their government, and asking the concurrence of the Council in the same.

The following resolution was offered by Mr. Wolf.
Resolved, that the hour of meeting of the Legislature Council be at 9 O'clock, & that the House of Representatives be informed of the fact. P. which resolution was adopted by the Council, and a message accordingly sent to the House, to inform that body of the fact.

Mr. Sinclair offered the following resolution.

Resolved, That 25 copies of the joint rules be procured for the use of the Legislature Council, by the Secretary.

And the question being put upon the adoption of said resolution, it was carried in the affirmative

Mr. Smith offered the following resolution.

Resolved that Asa Thompson be exempt from bearing any message from this House on account of his inability to walk - and the question being put upon the adoption of this resolution it was decided in the affirmative

Mr. Bean offered the following resolution

Resolved that the Secretary be instructed to procure stationary and such furniture as may be necessary for the use of the Legislature Council. which resolution was adopted -

Mr. Bean from the Committee appointed to wait on the Governor, made the following report. The Committee appointed to act in conjunction with the Committee appointed by the House of Representatives to wait upon the governor, report that they have performed the duties assigned to them and were informed by his Excellency, that he would make a communication to both Houses of the Legislature at 12 O'clock to-morrow.

Mr. Sinclair offered the following resolution

Resolved, that the gentlemen of the Council be called on, or permitted to come forward and say on their honor or oath how they voted individually on the last ballott

for presiding officer of the council. The question being put on the adoption of said resolution it was decided in the affirmative

The President then left the chair and called upon Mr. Bean to preside

A message was received from the House of Representatives, informing the Council that that body had appointed Messrs. Rutherford, Dixon, Tucker & Boggy on the part of the House of Representatives to act in conjunction with such committee as may be appointed by the Legislative Council for the purpose of examining the joint rules of both Houses and report thereon.

On motion of Mr. Wolf the message was laid on the Table

The Council then proceeded to act upon the resolution previously introduced by Mr. Sinclair and adopted

The members of the Council being called upon by the Secretary to answer to their names and say for whom they voted on the last ballott for presiding officer, the following was found to be the result. Those who had voted for Mr. Ficklin were

Messrs Anderson, Alexander, Elliott, Jones, Jackson, Rickyendale, Smith, Sickles, Thompson & Williamson

Those who voted for Mr. Farrelly, were

Messrs Bean, Bozwell, Clark, Caldwell, Calloway, Duty, Moore, McKean, Sinclair & Wolf. 2 votes scattering. Mr. Ficklin voting for Mr Smith and Mr. Farrelly voting for Mr. Wolf.

It now appearing to the satisfaction of the Council, that a mistake had been made by the tellers in counting the ballotts for presiding officer of the Council,

Mr. Ficklin offered the following resolution.

Resolved that the Legislative Council proceed on to-morrow morning at 9 O'clock to the election of a

President of their body viva voce, which resolution was concurred in.

And then on motion of Mr. Sinclair the Council adjourned.

Wednesday morning October 9

The Legislative Council assembled and was called to order by the Secretary

On motion of Mr. Elliott Mr. Wolf was called to the Chair.

Mr. Elliott moved that the council proceed to the election of President

Mr. Ficklin proposed that himself & Mr. Farrelly should withdraw their names from nomination which was acceded to.

Mr. Ficklin then nominated Mr. Williamson for President. There being no other nomination the Council proceeded to elect a presiding officer viva voce. When it appeared that the vote stood for Mr. Williamson

Messrs Anderson, Alexander, Bean, Duty, Elliott, Ficklin, Gadsden, Jones, Kuykendall, Martin, Smith, Thompson & Sidney 13. For Mr. Alexander. Messrs. Bonner, Caldwell, Farrelly, Moore, M Bean, Sinclair, Williamson & Wolf 8. For Mr. Bonner Messrs Clark & Calloway 2

Whereupon John Williamson was declared duly elected President of the Legislative Council and was conducted to the chair

On motion of Mr. Farrelly it was

Resolved that all the proceedings heretofore had in this body during this present Session of the General Assembly be considered as valid and as coming from an authorized body - and the House of Representatives be informed of the same & requested to receive all messages which had been sent from this house as coming from a duly authorized body - which resolution was adopted

The following Message was received from the House

Mr. President

I am instructed to inform you that the House of Representatives have concurred with the Council in adopting their proceedings of yesterday as coming from an organized body

Sig. 2, p. 9

A communication was received from the House of Representatives inviting the attendance of the Council in the Hall of the House at 12 o'clock to day to receive the ~~Governors~~ Message

Whereon motion of Mr. Wolf ~~Farley~~ the Legislative Council repaired at the hour of 12 o'clock to the Hall of the House of Representatives. ~~The following~~ ~~When a~~ Message was received from the governor by his ~~When a~~ Private Secretary Mr. Fiske.

The Legislative Council having returned to their Chamber

The following Resolution was offered by Mr. Elliott

Resolved that the President appoint the following standing Committees. A Committee on Elections. A Committee of Ways & Means. A Committee on memorials. A Committee on the Judiciary. A Committee on the Militia. A Committee to examine the books of the Auditor & Treasurer. and a Committee on divorce and alimony. Which resolution was adopted

Mr. Farley moved that a joint committee on enrollments be appointed — Which motion was concurred in

Mr. Sinclair offered the following Resolution

Resolved that a Committee of three be appointed on the part of the Council to act jointly with such Committee as may be appointed on the part of the House of Representatives to enquire into the expediency of digesting the laws now in force in this Territory & that the House of Representatives be informed of the same. Which Resolution was adopted and Messrs Sinclair Alexander and Jackins appointed a Committee on the part of the Council. &

a message sent to the House of Representatives requesting their concurrence

Mr. Ficklin offered the following resolution

Resolved by the Legislative Council that the two houses of the General Assembly do go into an election for public printer at four O'clock this afternoon and that the house of representatives be requested to concur therein. When on motion of Mr. Farrelly the resolution was laid on the table

Mr. Sinclair offered the following resolution

Resolved that the Secretary be instructed to procure 500 copies of the Governor's message for the use of the Council - which resolution was adopted

Mr. Elliott offered the following resolution

Resolved that a Committee of four be appointed to act in conjunction with such committee as may be appointed by the House of Representatives to receive any proposals for public printing which may be made. Which Resolution being carried in the affirmative - Messrs Elliott, Bonner Judkins & Farrelly were appointed to compose that Committee

Mr. Fidwick offered the following resolution

Resolved that Mr. William E. Woodruff Editor of the Arkansas Gazette is a suitable person to print the required number of Messages of the Governor. The yeas & nays being taken on this Resolution it was decided in the negative by the casting vote of the President

Mr. Wolf presented a petition from sundry citizens of Izard County praying for a division of that County which was referred to a select committee consisting of Messrs Wolf, Martin, Jones, McClean & Bean

Mr. Bonner offered the following resolution

Resolved that a Committee of three be appointed to take into consideration the act passed at the last Session of the Legislature concerning Roads & highways and

make report to this House which resolution was adopted and Messrs Bossie Anderson and Kingsley Kendale were appointed said Committe

And the Council adjourned

Thursday Oct 10

The Legislative Council assembled

On motion of Mr. Farelly it was Resolved that a message be sent to the House of Representatives, requesting the House to transmit the Governors Message, and accompanying documents to the Council in order that they may be copied in the Journals of the Council (they also to inform the House of the appointment of Standing Committees) which motion was concurred in & a message accordingly sent

Mr. Picklin offered the following resolution

Resolved that a committee of two be appointed to join such Committe as has or may be appointed on the part of the House of Representatives to make such arrangements as may be necessary for a building for the accomodation of the present General Assembly. Which resolution was adopted and Messrs. Picklin and Bean appointed said Committee.

On motion of Mr. Bonnell the Secretary read the Governors message

Mr. Bean offered the following resolution

Resolved that so much of the Governors message as relates to the twenty Sections of Land donated for the erection of a Seminary of Learning in this Territory be referred to a Select committee. Which resolution was adopted and Messrs Bean Alexander and Smith appointed on said Committe

Mr. Farrelly offered the following Resolution

Resolved that the Governor be requested to transmit to the Legislative Council a abstract of the Seventy two Sections of Land

granted by the Congress of the United States for the support of the Seminary of Learning in Arkansas, by their members as designated by the public surveys of the United States, making separately the twenty sections offered for sale, with the accounts of those persons who have been employed to make the selections and the accounts of any other incidental expenses that may have accrued thereon & be in his possession which resolution was adopted

Mr. Bonnie offered the following resolution

Resolved that that part of the governors message which relates to the Ten sections of Land & the ~~governors message~~ State House be referred to the committee of Ways & Means which resolution was adopted

A message was received from the House of Representatives informing the Council that Messrs Rathford. Whitson and Burt are appointed a Committee on the part of that House to act in conjunction with the Committee appointed on the part of the Council on the subject of the Seminary Lands; which was concurred in and Messrs Farrelly, Sinclair and Bean appointed on that Committee by the Council

The President announced the following Standing Committees

Committee on Elections— Messrs. Wolf. Smith. Doty. Kuykendale & Martin

Of Ways and Means— Messrs Tidwell. Calaway. Jones Sinclair & Clark

On Memorials— Messrs. Fichlin, M'Kean, Bonnie Martin and Thompson, Bean and Sinclair

To examine the books of the Auditor and Treasurer Messrs. Farrelly. Elliott. Smith, M'Kane and Caldwell

On the Judiciary— Messrs Farrelly. Anderson, Sinclair Alexander and Fichlin

On the Militia— Messrs Elliott. Bean. M'Kean ~~and~~ Smith and Moore.

On Divorce & Chancery. Messrs. Bonnie. Caldwell

Alexander. Bean, Anderson. Sinclair & Calloway

Mr. Bonnie offered the following Resolution

Resolved that that part of the Governor's message which relates to the Auditor and Treasurer be referred to the joint committee for that purpose. Which resolution was adopted

Mr. Calloway offered the following resolution

Resolved that the Committe on Memorials be instructed to take into consideration the expediency of memorializing Congress on the subject of an appropriation to improve the navigation of Washita river. Which was adopted

Mr. Wolf offered the following resolution

Resolved that a committe be appointed to take into consideration the stray laws of this Territory, and that said Committe have leave to report by Bill or otherwise. Which resolution was adopted; & Messrs Wolf. Alexander. Smith and Sinclair appointed said committe.

The following resolution was offered by Mr. Elliott

Resolved that the House of Representatives be informed of the resolution adopted by this House yesterday appointing a Committe to act in conjunction with such Committe as may be appointed by that House to receive proposals for public printing and ask their concurrence therein. Which resolution was adopted and a message sent to the House in accordance thereto

Mr. Thompson presented petitions from sundry citizens of Clark and Hempstead Counties praying for a partition of those two counties so as to make an additional one. Which was read and referred to a Select committe consisting of Messrs Thompson, Smith & Clark.

A message was received from the House of Representatives, informing the Council that the Governor's Message and the accompanying documents would be transmitted to the House as early an hour as practicable and also informing the council of the selection of a joint committe

of Enrolment a Committe to draft Memorials and a Select committe to procure a Capitals house for the accomodation of the Legislature for the present Session — which was concurd in by the Council

The following Resolution was offered by Mr. Tidwell Resolved that the Committe on Memorials be instructed to enquire into the expediency of memorializing Congress for an appropriation for opening a road from Strong's ~~Mill~~ St Francis County through Jackson County to Batesville. Which was adopted

On motion of Mr. Jones, Mr. Tidwell was added to the committe on Memorials

~~On Motion of Mr. Farrelly~~

Mr. Farrelly offered the following resolution

Resolved that Mr. Thompson be permitted to address the chair without riding from his seat Which motion was adopted

A Message was received from the House of Representatives informing the Council that they had appointed Messrs Studdarth, Hanks, Garrett & Hill to act in conjunction with the committe appointed by the Council to receive proposals for the public printing — which was concurred in

Mr. Kaylendale presented a petition from sundry citizens of Conway, Independence & Faulk praying that those counties may be so partitioned as to lay off a new County which was referred to a Select committe comosed of Messrs Kaylendale Bowen & McKean

Mr. Jones offered the following Resolution

Resolved that the committe on memorials be instructed to enquire into the expediency of memorializing Congress for an appropriation for improving the navigation of White River from its mouth so far as may consist with the interest of the citizens of this Territory & that the committe report on the same

A message was received from the House of Repre

sentatives transmitting the Governor's message and accompanying documents

Mr. Clark moved that he be relieved from serving on the Select committe to divide Clark county which was agreed to

Mr. Clark moved that Mr. Jackins be added to the Committe to divide Clark county which was agreed to

Mr. Calloway offered the following resolution

Resolved that the Committe on memorials be instructed to enquire into the expediency of memorializing Congress on the subject of opening a road from Little Rock by the way of ~~Hot Springs~~ Ouachita Lake on the direction to Fort Towson

On motion of Mr. Farrelly the documents accompanying the Governor's message was read by the Secretary

Mr. Farrelly offered the following resolution

Resolved that the Governor's message and the documents accompanying be spread on the Journals of the Council which resolution was adopted

In accordance with the above resolution the Governor's message & accompanying documents follow

Gentlemen of the Council
and Gentlemen of the House of Representatives

While we must deeply deplore the loses and sufferings of a large portion of our fellow-citizens, from the late uncommon freshes in the Arkansas river, we have reason to be thankful to ~~Him~~ Him who controles and regulates all things for our almost entire exemption from that direful scourge of nations, the Asiatic Cholera, which has afflicted many other portions of our common country

I congratulate you and your constituents on the rapid march of this Territory in improvement, population and wealth, and on the kind and generous liberality of the National Government, manifested from year to year toward this infant people unlike the oppressive and plundering Provinces of ancient Empires, the loving kindness and tender care of the parent Government seems to be proportioned to the needs and necessity of its offspring. In a few years the number and wealth of this Territory will authorize an application to Congress for admission into the Union as a member of the Confederation, but before this step is taken it would be wise to urge on the consideration of that body the justice and policy of making ample appropriations for roads from the interior of this Territory to its borders, in various directions. All must be aware of the Constitutional doubts and objections which are constantly interposed to Internal Improvements in the States, which do not apply to a Territory, and of the inability of the people for a long period to come, if ever, into a State Government, to make those expensive highways, which may be justly deemed indispensable

intitle to this country. While the people remain in their Territorial condition, and the Public Lands continue under the exclusive jurisdiction of the Congress, both Indian policy and the interest of the nation will require that necessary and useful expenditures here, which must case, to a great extent upon a change of your political condition. In making these suggestions I beg you to be assured, that I am influenced by a sincere and disinterested solicitude for the happiness and prosperity of this people.

My present term of official service will expire before the next regular session of this General Assembly, and I have no expectation of continuing beyond that period in office. Pursuant to the authority vested in the Governor of this Territory by an act of Congress passed on the 4th day of July 1862 respecting the Ten Sections of land granted for a Legislative House at Little Rock I have located and laid aside eight sections of the land at the rate of five dollars per acre subject to a deduction of six per cent for prompt payment. Said sections and a half of the necessary Plat have been applied for and will probably be laid in a few days

an the same terms- leaving only a
half of a section to be disposed of.
A part of the price has been paid
and bonds taken for the ~~rest~~ remainder
A portion of the land has been se-
lected where the surveys have not been
completed, and the business cannot
be closed until the surveys are made
and approved. One of my locations
must be changed or amended, to con-
form to the views of the President,
if his objection is adhered to—
I indulge a hope that it will
be abandoned, on the ground of
precedent and usage in analogous
cases; and if not, the value of
the donation will not be materially
impaired; The Secretary of
the Treasury, in his letter of the 31st
of August last, seems to concur
with me in the construction of
the Ten Section act, and the act
granting one thousand acres for
a Canal shall fail &c; but the
President of the United States, in
a communication to Congress of the
20 of September last, a copy of which
has been forwarded to me by Mr ~~Dun~~
Duane the Secretary, dissents from
the opinions of both the Secretary
and myself on one point applicable to a single location.—
He does not think the Governor
authorised under the Ten Section

grant to make quarter sections, so as to take the half of one quarter section and the half of an ajoining quarter. The difficulty with regard to the location alluded to can be readily obviated.—

The construction I gave to the law seemed to comport with the spirit of liberality from which it emanated, and the cause pursued in similar cases, the Governor of this Territory was instructed to select seventy-two sections of land reserved for a Seminary of Learning.

These selections were commenced under the authority of Col. Lane, and the business was completed under my authority after I came into office.

In some instances, sections were divided, and the half of two adjoining sections were taken to make a section, and such selections were sanctioned by the Secretary of the ~~Interior~~ Treasury, the legality of which has never been questioned. If the half of two adjoining sections can be selected to make up a section, it is difficult to perceive why half of two adjoining quarters cannot be selected to make up a quarter section, within the meaning of the 3rd Section act; and more especially when it is considered that quarter sections are divisible, and half quarters subject to sale

and entry, under the land laws of the United States.

It is believed, also, that under the act granting any quantity of land not exceeding two quarter sections to each settler upon the Choctaw lands, quarter sections have been divided and located in the manner I have done under the Ten Section act and that construction was ~~heretofore~~ sustained by the late Commissioner of the Land office, although the word quarter section are used in both acts.

In all cases of ambiguity I have thought it my duty to give a construction most favorable to the people of the Territory.

With regard to the location of fractional sections, or fractional sections, no objection is made, either by the Secretary or President, nor is there any objection made to the location of the thousand acres adjoining the town of Little Rock, if the boundaries are sufficiently described.

The liberality and liberality evinced by the President, toward the people of this Territory, inspires me with a confidence that he will revise the opinion given and allow the same beneficial construction to the Ten Section act that has been extended to other grants of a like nature

So long as he adheres to the ground taken my respects for him and his authority will induce me as far as practicable, to conform to it.
I have had eight hundred and forty acres of the thousand acres grant laid off in convenient lots and parcels and will proceed to sell them, or a considerable portion of them, on the fourth Monday in this month, according to my advertisement in the public prints, and apply the proceeds to the erection of the Public Buildings contemplated by the act of Congress.
I purchased an eligible site for the State-house and progressing with the building with all practicable dispatch.
I deemed it expedient, with a view to public convenience and economy, to place the Court-house and Public Offices on the same ground.
The foundation of the Court-house has been laid, and I shall proceed with the building so soon as funds can be realized from the sales of the public property.
I regret that it is not in my power to lay before you, at this time a full statement of all the facts, locations, funds, and expenditures, connected with the Public Buildings and property.
I expect to receive from the Treasury Department, some additional com-

munications in relation to the lands I have selected, and I will, as soon as practicable, ~~exhibit~~ exhibit to this General Assembly a view of my transactions in relation to the matters refered to; for, whether particularly accountable to you or not for the exercise of powers delegated to me by Congress, it is due to the people and their Representatives, to give them satisfactory information on subjects which so immediately concern them.

As I may not have the honor of addressing the General Assembly as Governor of Arkansas after the close of their present session, I owe it to my public character as well as to the people, to make a full exposé of my official conduct during the present session.

By an act of Congress passed at their last session, the Governor of this Territory was authorized to select twenty sections of the lands reserved for a Seminary of Learning.

Under the authority of that act, I have made the selection, and advertised them for sale on the first Monday in November next.

Most if not all the sections offered for sale lie on or near the Arkansa

river, and I fear some of the land has been injured by the late rise in the river; and what is more to be apprehended, the impression made on the public mind is unfavorable to the value of land on the Arkansas river.

Under these circumstances, I incline to believe that it would be expedient to postpone the sale of a considerable part of the land until there shall be a better prospect for selling for a good price, and will take that course if your views accord with mine.

A part must be sold to pay the expenses of selecting the seventy-two sections, and other charges since incurred, and a moderate fund ought to be raised to commence a library establishment. A site can be fixed on by the General Assembly, and some subordinate parts of such an establishment may be immediately erected.

Such a measure would have an influence on the emigration of substantial and respectable citizens from the States to this Territory

And one of the strongest objections to removal here, with men who have large families of the

difficulties of having their children
educated in a new country.
It is among the first duties of the
General Assembly to obviate this ob-
jection at the earliest period.
My impression is, that not more than
ten sections can be sold for a fair
price, and from that quantity a
sufficient sum ~~can~~ could be raised
to progress with the building con-
templated for one or two years,
besides paying existing claims.
A few sections near Little Rock
can probably be sold for as high
a price now as for several years
to come.
A considerable part of the land
is covered with valuable timber,
constituting a large portion of its
value, which will soon be destroyed, if
it remains the property of the public
Even the phraseology of the act, I had
some doubt whether could sell
on credit; but, as the law contained
no positive direction on the subject
and a credit would insure a better
sale, without loss or hazard, I
have offered a reasonable time
for a considerable part of the pur-
chase money.
On this, as on all other subjects,
I have been influenced by a sin-
gle eye to the interest and lasting
welfare of this people,

I have not received a report from either the Auditor or Treasurer.
The Treasurer I understand is in his grave at his residence, and unable to attend, and the Auditor is probably awaiting his arrival, to have a conference with him before he makes his report.
I have good reason to expect the Treasurers report in a few day, when it will be laid before you.
The Auditor will no doubt make his without delay, which will also be communicated
I transmit to the General Assembly copies of Sundry resolutions of the State of Connecticut, received from the Executive of that State, concerning the constitutionality of the laws of the United States imposing protecting duties, and other questions growing out of those acts.
I transmit also copies of the resolutions of the State of Mississippi, on the same subjects, to which you will give that consideration and attention which, in your better judgement they merit.
Coming from the several counties of the Territory, clothed with the confidence of your constituents, you must be more intimately acquainted with their wants and grievances than I can possibly be, and with the practical operations of the laws

upon the various wants and interest of the community.

I must, therefore, leave these matters, and others of a local nature, to your care and management.

Many subjects of public concern demanding your attention, have no doubt been omitted in this communication; but I trust to your more correct knowledge of facts and circumstances to supply the defects.

The experience, sagacity, and patriotism of Judges, will afford you much aid in providing appropriate remedies.

For the privileges arising to this people from the genius of our free Constitution, for the numerous blessings and felicity enjoyed in this new country, and for the flattering prospects before, I invite you to join me in returning thanks to the great Ruler of the universe.

Assured of your attention to your Legislative duties, and ardently hoping for cessation or abatement of that bitter party strife which has for a time, to some extent disturbed our social harmony, I will conclude by promising you my prompt concurrence in any and every measure tending to promote the interests and happiness of your constituents and the welfare of the Territory.

John Pope

Sir

Executive Office, Mississippi
Jackson, Feby 6, 1833.

The resolutions which I have the honor herewith to enclose, are forwarded in compliance with a requisition made on me by the Legislature of this State, with a request that your excellency will lay them before the Legislature of the Territory over which you preside. I have the honor to be, with much respect,

Your excellency's obt Servt

To his excellency, John Pope. A. M. Scott

Governor of the Territory of Arkansas.

The Select Committee to which was referred so much of the Governors message, as relates to the resolutions from the States of Louisiana, Maine, New Hampshire & Pennsylvania, with the accompanying documents, beg leave to report: that they have had them under consideration, & would recommend, in regard to the Resolution first named, the adoption of the following resolution:

In relation to the resolution from the States of Maine, New Hampshire & Pennsylvania, and that portion of the message which points to their consideration, Your Committee would express the belief, that the sentiments of a majority of the people of this State in reg and to the subject to which they relate, are in accordance with those expressed by the General Assembly, in the year 1829, declaring the Tariff Law of 1828, so far as it contemplated a system of protection carried beyond the manufacture of such articles as are necessary to the national defence to be contrary to the spirit of the constitution of the United States, impolitick and oppressive in its operation on the Southern States, and should be resisted by all constitutional means. But fearful lest false inferences should be drawn from this expression of public opinion - inferences calculated to induce a belief that this State is prepared to advocate and uphold the disorganizing doctrines recently promulgated in South Carolina, your committee deem it their duty to speak

plainly, and to unreceive their sister States in this respect. We are opposed to nullification We regard it as heresy, fatal to the existance of the Union. It is resistance to the laws by force — it is disunion by force — it is civil war. Your committee are constrained to express the opinion, that the State of South Carolina has acted with a reckless precipitance, originating we would willingly believe, in delusion, well calculated to detract from her former high character for wisdom in council, purity of patriotism, and solicitous regard for the preservation of those fundamental principles, on which alone rest the peace, the prosperity and permanency of the Union. Your committee deeply deplore the alarming crisis in our national affairs. They regret it the more as proceeding from the unwarrantable attitude assumed by a sister of the Confederacy whose best interests are identified with our own. In the spirit of brethren of the same family, we would invoke them to hearken attentively to the paternal, yet solemn, warnings of the Executive of the Union. We would counsel them to await patiently the gradual progress of public opinion; and rely with patriotic confidence on the ultimate action of the talented statesmen and the purest patriots of the Congress of the United States.

But they would loudly proclaim, that the States owe a duty to the Union, above all minor considerations. That the peace that Union is more than liberty alone.

That we heartily accord in the general patriotic sentiments of the President of the United States, as expressed in his recent proclamation, and that we stand firmly rebuked, at whatever sacrifice of feeling, in all events, and at all hazards, to sustain him in enforcing the paramount laws of the land, and preserving the integrity of the Union whose value we with never stop to calculate - holding it, as our fathers held it, priceless above all price.

The committee would therefore recommend the adoption of the following resolutions

Be it resolved by the Legislature of the State of Mississippi, That in the language of the father of his country, we will, inflexibly frown upon the first dawnings of every attempt to alienate any portion of our country from the rest, or enfeeble the ties which link it together its various parts.

2 Resolved, That the doctrine of nullification is contrary to the letter and spirit of the constitution, and in direct conflict with the welfare, safety and independence of every State in the Union, and to no one of them would its consequences be more deeply disastrous, more ruinous than to the State of Mississippi - That State in our concentration our truest interest around which clings our most tenderness the fair land of our nativity or adoption the haven of our hopes the home of our hearts.

3 Resolved, That we will, with heart and hand sustain the President of the United States in the full exercise of his legitimate powers, to restore peace and harmony to our distracted country and to maintain, unsullied and unimpaired, the honor the independence and integrity of the Union.

4 Resolved That the Governor of the State be and he is hereby requested to transmit a copy of the last preceding resolutions, with the preamble, to our Senators and Representatives in Congress, also to the Governors of the different States with a request that the same may be laid before their respective Legislatures.

David Daggett
Speaker of the House of Representatives
Charles Lynch
President of the Senate

State of Connecticut
Executive Department
New Haven August 10 1833

Sec. 3, p. 17

Sir

In compliance with the request of the General Assembly of this State I transmit to you the foregoing copy of the Resolutions* passed at the last Session of said Assembly.

I have the honor to be
With the highest respect
Your Excellency's Obed't Servt
Henry W Edwards

His excellency
The Governor of the
Territory of Arkansas

*Resolutions on next page

At a general Assembly of the State of Connecticut holden at Hartford in said State on the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty three.

Upon the report of a Joint committee to whom has been referred so much of the message of His Excellency the Governor, as relates to the communications from the executive departments of the States of Maine, New Hampshire, Massachusetts New York, New Jersey, Pennsylvania Delaware, Virginia, South Carolina, North Carolina, Georgia, Ohio, Indiana, Illinois, and Mississippi, on the subject of the Tariff Laws, Internal Improvements, and Amendments of the Constitutions of the United States;

Resolved, by this Assembly that the Congress of the United States are authorized by the Constitution to pass acts for the levying and collecting of duties on imports, and thereby to raise a revenue sufficient for all the exigencies of the government that in forming a tariff of such duties it is just and constitutional that the interests of our own manufactures should be regarded and due encouragement and protection thereby given to them; that such acts when approved by the Presidents, are binding on all the State and all the people of every State, and that no State has power to nullify, or the right to resist the execution of the same.

Resolved, that it is the imperious duty of the Government of the United States to see that such laws are carried into

execution, and that in the constitution
al exchange of this duty she is entitled
to and ought to receive the aid and
support of every citizen of the union.
Resolved, That this Assembly do
most fully approve the essential princi
ples and the determination avowed
by the President in his Proclamation of the 10th of December 1832
and in his subsequent message to Con
gress; and that this Assembly and
the people of this State will cordi
ally and faithfully co-operate with
him in carrying the same into effect.
Resolved, That the members of this Assembly
cherish a sincere regard and affection
for the citizens of the State of South
Carolina as well as for all their brethren
of this great confederation family; and
that they shall ever remember with grati
tude and prize the many and brilliant
services rendered by that distinguished
State in the struggle for independence
Resolved, That much would be hazarded
and nothing valuable could be gained
by an attempt, at the present time, and
in the present state of the union, to amend
the constitution of the United States;
and therefore this Assembly do not con
cur in the proposition of the State
of Georgia inviting a convention of
the people for that purpose.——
Resolved, That the Secretary of this State cause
thirty copies of the foregoing Resolutions

to be printed and that His Excellency the Governor of this State be requested to transmit one copy thereof to the President of the United States and a similar copy thereof to the Governor of each State and Territory of the Union.

A true copy of Record
Examined and certified
by
Thomas Day Secy

Mr Moore offered the following Resolution
Resolved that the committee on memorials be instructed to inquire into the expediency of memorializing Congress relative to the propriety of establishing a Land office in the Eastern part of this Territory
Which was adopted

Mr Smith offered the following Resolution
Resolved, That the committee on memorials be requested to inquire in to the expediency of memorializing Congress for an appropriation for opening a road from Columbia in Chicot County by Cabins to Cane a Bakes in Union County & report thereon. Which resolution was adopted.

Mr Calloway offered the following Resolution
Resolved, That the committee on memorials be instructed to inquire into the expediency of memorializing Congress on the subject of making an appropriation for the building of a Hospital at the Hot Springs in Ar Ranses for the use and

benefit of the pasture which was adopted
Mr. Bedwell gave notice that he would on
Monday next ask leave to introduce
a bill to revise the County Court Laws
of this Territory. — And then the Council
adjourned.

Friday Morning Oct 11

The Council Assembled
The following petitions were presented
By Mr. Elliott a Petition from sundry Citizens
of Crittenden County, praying for a division of that
County, which was referred to a Select Committe con-
sisting of Messrs Elliott, Alexander and Tidwell
By Mr. Caldwell a petition from ~~Holloman B Flynn~~ Solomon B Flynn
of Jefferson County praying for Divorce; which was re-
ferred to the Committe on Divorce and Alimony
By Mr. Jones, a petition from ~~Holloman Flynn~~ Graham Smith
of Monroe County, which was referred to the Com-
mitte on Divorce and Alimony.

Mr. Ficklin from the Select Committe to whom
was referred the Subject of obtaining a suitable building
for the use of the present General Assembly. Report
The Committe appointed to act in conjunction with
the Committe appointed on the part of the House of
Representatives to make arrangements for a house
for the use of the present General Assembly report that
the same has been had, under advisement and that the
most advantageous proposition as your Committe
Conceive has been made by Dr. McWilliams, which
is to give the use of the rooms now occupied by the
two Houses and three adjoining rooms for One
hundred and fifty dollars for the term of the

present session. Your committe are of opinion that this is the best arrangement which can be made. Which Report was adopted by the Council and the House informed thereof

The following Message was received from the House of Representatives

Mr. President

I am instructed to inform you that the House of Representatives concur with the Legislative Council in raising a Committe to enquire into the expediency of digesting the Laws now in force, and have appointed Messrs Martin, Rutherford Hanks & Hale on the part of the House of Representatives, to act jointly with Messrs Sinclair Alexander & Ficklin appointed by the Legislative Council.

On Motion of Mr. Wolf offered the following Resolution Resolved that a select committe of three be appointed to take under consideration the expediency of memorializing the Congress of the United States for an appropriation to open a road From Jackson Lawrence County via Izard Court House to Fayetteville, Washington County thence to Fort Smith which resolution was adopted and Messrs Wolf, Bonnelle & Bean appointed said committe

Mr. Martin asked leave of absence for a few days on account of indisposition. which was granted

Mr. Bean moved that Mr. Ficklin be added to the Select committe on Mr. Wolf's resolution which was acceded to

Mr. Clark offered the following Resolution

Resolved that the committe on memorials be instructed to enquire into the expediency of Memorializing the President of the United States on the subject of retaining part of the United States Dragoons (raised for the defence of Arkansas) on the frontiers of Miller County - Which was adopted

Mr. Caldwell gave notice that he would on Thursday next introduce a Bill to be entitled an act for the purpose of building a jail in the County of Jefferson On motion of Mr. Farrelly – Mr. Clark was added to the Committe of Memorials

On motion of Mr. Tidwell – Mr Jones was added to the Committe of Memorials

Mr. Alexander offered the following Resolution Resolved that the committee on memorials be instructed to enquire into the expediency of memorializing Congress for an appropriation to survey and improve the navigation of the St. Francis River – which was adopted

Mr. Jones gave notice that he would on Saturday morning next ask leave to introduce a bill, to be entitled an act to change the mode of giving votes at the elections in this Territory

Mr. Kay Rendall ~~moved~~ that Mr. Wolf be added to the committe to partition Conway, Independence and Izard County so as to form a new County. which was agreed to

Mr Bosmle offered the following resolution Resolved that a select committe be appointed to enquire into the expediency of imposing a tax on all Banking institutions, Exchange, or Brokers Offices within this Territory & report to this house by bill or otherwise which was adopted and Messrs Bosmle. Ficklin, Beard Alexander and Jones appointed said Committe

Mr. Moore offered the following resolution Resolved that the Committe on memorials be instructed to enquire into the expediency of memorializing Congress for an appropriation for the purpose of opening a road from Helena to intersect the military road, leading from Memphis to Little Rock, at the mouth of

Cache which was adopted

Mr. Farelly offered the following resolution

Resolved That the Committe of Memorials be instructed to ingaire into the expendiency of Memorializing Congress of the United States for an appropriation to Survey the Bay aw Bartholemew with a view to the improvement of the navigation thereof. Which was adopted

The President announced the following gentlemen as composing the Joint Committee on Enrollments. Messrs Caldwell Alexandw and Sadkins

Mr. Bean offered the following resolution

Resolved That the Committe on Memorials be instructed to ingaire into the expediency of Memorializing Congress for an appropriation to make a road leading from the upper County of Missouri running parallel with the western boundary line of this Territory by Cane Hill so as to intersect the road recently cut out by the Military at Fort Smith leading to Fort Towson on Red River - which was adopted

Mr. Smith offered the following resolution

Resolved that the Committe on the Judiciary be requested to examine the law imposing a Tax on merchants & see if any defect be found, & what thereon. Which was adopted

Mr. Calloway moved that Mr. Bean be added to the Committe on Enrolments, which was assented to

Mr. Thompson gave notice that he would on Tuesday ask leave to introduce a Bill to regulate the assessment & Collection of the Revenue of this Territory ~~Which was adopted~~

Mr. Ficklin moved that the hour of meeting of the Council be changed from 9 to 10 O'clock - which was acceded to

A Message was received from the House of Representatives informing the Council that they have agreed to the report of the Joint Committe appointed to procure a House for the accommodation of the present General Assembly

Mr. Anderson offered the following Resolution
Resolved that the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress for an appropriation for the purpose of Surveying and opening a road from Columbia the seat of Justice in Chicot County by way of the Pine Bluffs to Little Rock — which was adopted

Mr Smith offered the following Resolution
Resolved that the Committe on Memorials be instructed to inquire into the expediency of Memorializing Congress for an appropriation for Surveying and opening a road from Coe a Labe the seat of Justice of Union County through what is called Smith's Settlement in said County to the Louisiana line in the direction to Neely's on the Dearborne in Louisiana — Which was adopted

Mr Sinclair offered the following Resolution
Resolved that the Committe on Memorials be instructed to inquire into the expediency of memorializing Congress for an appropriation for laying out a road and opening the same from Miller Court House crossing Red river at or near where the Choctaw line crosses Red river running parallel with said line so as to cross the Arkansas river at or near Fort Smith to Fayetteville in Washington County to the Missouri line — which was adopted

Mr Bean offered the following resolution
Resolved that the Committe on Memorials be instructed to enquire into the expediency of Memorializing Congress for a remuneration for the losses of property sustained by the overflow of the Arkansas River by the late freshet — Which was adopted

Mr. Ficklin offered the following Resolution
Resolved that the committe on Memorials be instructed to inquire into the expediency of asking the Gen-

rial Government for an appropriation of Land for the erection of a Penetentiary in Arkansas which was adopted

Mr Calloway offered the following resolution Resolved that the Committe on Memorials be instructed to inquire into the expediency of Memorializing the Congress of the United States for an appropriation to remunerate the citizens on the waters of Red River & Ouachita for their losses sustained by the destructive freshet in June ~~1833~~ last which was adopted

~~And the Council adjourned~~

Mr Alexander presented a petition from ~~William~~ Cook of St Francis County, praying for divorce which was referred to the committee on Divorce and Alimony

And the Council adjourned

Saturday Morning Oct 12

The Council assembled

Mr. Bean presented the Petition of David Gatman of Sevier County praying for Divorce, which was referred to the Committee on Divorce and Alimony

Mr Elliot from the Joint Committe to whom was referred the the Receiving of proposals for the public Printing offered the following Report, which was referred to the Committee with whom it originated for the purpose of reducing each bid now in detail, that the difference in the prices for doing the work may be more distinctly stated & spread upon the Journals

Mr. Sinclair offered the following resolution

Resolved that the Committe on Memorials be instructed to inquire into the expediency of memorializing Congress for an appropriation for each county in this Territory for the

purpose of building a Court House and Jail in each County. which was adopted

Mr. Jones obtained leave to withdraw the notice given yesterday by himself. that he would ask leave to introduce a Bill to change the method of receiving votes in this Territory

Mr. Jones gave notice, that he would on Monday next ask leave to introduce a bill to be entitled an act to repeal an act passed by the general assembly of this Territory at the session of 1823 respecting the election law now in force in this Territory

Mr. Ficklin offered the following resolution

Resolved that the Committee on Memorials be instructed to enquire into the expediency of memorializing Congress to appropriate a sum of money sufficient to digest. print and bind the laws of this Territory. which was adopted

Mr. Thompson offered the following resolution

Resolved that the Committe on memorials be instructed to enquire into the expediency of memorializing Congress on the subject of an appropriation to cause a road to be opened from Cove a Fabre to the Hot Springs. which was adopted

Mr. Clark offered the following resolution

Resolved that the Governor be requested to Communicate to the Legislative Council copies of the orders issued to the Col. Commandant of the Militia of Sevier and Miller Counties requiring him to order from his command 8 men to act as rangers on Foot on each side of Red river) for the security of the South western frontier; the time of service of said men and whether the executive of the United States has been officially apprised of the employment of said force and what means if any have been used to obtain pay from the government of the United States for their services.

which resolution was adopted

And the Council adjourned

Monday Morning Oct. 14 1834

The Council Assembled

On Motion of Mr. Clark, Messrs Moore, Duty and Alexander were added to the Committee on Memorials

Mr. Farrelly from the Select Committe appointed to receive proposals for Public Printing offered the following Report which was adopted —

The Joint Committee on receiving proposals for public Printing to whom the subject was again referred with instructions to report more specifically —

Report that your Committee have reconsidered their Report submitted with the proposals of C. P Batoan and Wm C. Woodruff and in order more clearly to elucidate the matter remark that the prices of public printing have been proportionably in advance of what otherwise might be considered a fair charge for labor and materials of the kind. The advance has been measurably proportionate with the discount on our Scrip currency and the proposals heretofore submitted at the different sessions of the General Assembly and spread on the Journals of each session and accompanied by a list of each prices at which the accounts would be made out in the event of funds being in the Treasury at the time of the audit or allowance. The accounts for publick printing have been always made out at Scrip prices, and paid in that currency at the Treasury. Your committee conceive that in all cases like publick printings, where the Legislature have spread on their Journals proposals or lists of prices to govern the accounting officers in the Liquidation of accounts,

that the auditor knowing, as he might at all times, the state of the Treasury, who would audit an account of the kind at such prices when there was funds in the Treasury to disburse the same, should be held responsible and compelled to refund the difference — Your Committee submit the following abstract giving a comparative view of the proposals, marked A. as part of their report, which shows the difference in cents between the different bids or proposals submitted. Admitting that the acts to be passed at the present session, will require the same number of pamphlet pages as those of last, being 168 pages, and that 800 copies be requisite for the use of the people, the publishing of the same and insertion in the newspaper, and the printing of 500 copies of the Journals and making them to contain the same number of pages as those of last session, being 328, would make a difference of ($84. 16) eighty-four dollars and sixteen cents on these two items of public printing. The proposals of Mr. Bertrand being that amount lower on those items, than those of Mr. Woodruff.

For abstract A. See next page.

A

William E Woodruffs proposals under date of 5th of October 1831

In the printed Journals of the General Assembly pages 54

referred to in his proposals before the Committee

	William E Woodruffs present proposals having reference to his proposals of the 5th of Oct. 1831. 5 per cent left being deducted		1833			C. P. Bertrand's proposals made in detail to the Committee for same kinds of work & accompanying the report and now before the Committee in		1833		
	~~Cash~~	~~Scrip~~	Cash	Cash	Scrip	Difference in Scrip in favour of Bertrand being the lowest 15 cents per page				
For printing 500 copies of the Acts	$2 00	1 75	1 90	1 66¼	1 75					
" Each succeeding 500 copies of do	70	60	66¼	57	60	12½ per page				
For publishing the same in the Arkansas Gazette	87½	80	83¾	76	80	3¼ do				
" publishing 500 Copies of the Journals	1 50	1 25	1 42½	1 18¾	1 25	1¼ do				
" Each succeeding 500 Copies	70	60	66¼	57	60	6¼ do				
" Printing Bills on Fools cap paper 50 copies 1 page on ½ sheet	3 30	2 93	3 13¾	2 78¾	2 93	20¾ per 50 copies				
" Printing Bills on Fools cap paper 50 copies 2 pages on ½ sheet	5 60	5 86	5 26¾	5 56¾	5 86	40¾ "				
" " " " 3 on whole sheet	9 00	8 00	8 55	7 60	8 00	55 "				
" " " " 4 ditto	11 40	10 12	10 83	9 61	10 12	71 "				
Each succeeding whole or Half sheet in same proportion										
" Any number of Bills exceeding 50 copies per quire	1 60	90	95	85½	90	5 per bill				
" printing 4to Landbills de super royal size 1st 50 copies	2 50	2 00	2 37½	1 90	2 00	37½ 1st 50 cop				
" " " Do 2d 50 do	1 25	1 00	1 18¾	95	1 00	18¾ 2d 50				
" " " Do each succeeding 100	1 00	90	95	85½	90	5 2d 100				
" " Medium 1st 50 copies	2 25	1 87½	2 13¾	1 78½	1 87½	26 1st 50				
" " do 2d 50 do	1 12½	95	1 07	90¼	95	17½ 2d 50				

" " do Each succeeding 100	95	85	90¼	80¾	85	5¼ each 100
* Jointing Fools cap or Gaunt just blanks viz 1st gain 1 page on a sheet	2 25	2 00	2 13¾	1 90	2 00	13¾ 1st gain
Each succeeding gain	1 12½	1.00	1 07	95	1 00	7 each succ. gn

Broadside blanks at double the foregoing rates

Advertisements 33⅓ per cent discount from the ordinary rates of Advertising

Rule and fig. work requiring extra trouble or labor an extra charge which in no case will receive double the prices of common printing

Mr. Ficklin Elliott from the joint Committee to whom was referred the receiving of proposals for the Public Printing of. Jena the following as the report of the minority of that Committee

The joint Committee to whom was again referred the subject of receiving proposals for public printing with instructions to report more specifically Ask leave to report a Communication from Wm E. Woodruff to the joint Committee in explanation of his former bid on the 10th inst which we ask leave to report on the part of the minority

On motion of Mr. Ficklin it was

Ordered that the following explanation of the bid of W. E. Woodruff. accompanying the report of the minority of the Joint Committee be spread on the Journals and that E. P. Bertrands explanation of his bid. be also spread on the Journals

Little Rock. 12th Oct. 1833

Sir

In reply to your note of this evening. I have to say. that being in the habit of making no difference in my ordinary business transactions between Cash and Territorial Scrip and presuming besides that the situation of our Territory on the receipts of this Years revenue, will make it unnecessary to issue any more Scrip after the present year and that therefore the compensation for executing the Public Printing for the present session will be made in Cash. I thought it unnecessary to specify in my proposals of 10th inst that the price intended to be understood, was the Cash price for work. as specified in my proposals to the Legislature of the 6th Oct. 1831 To prevent any further misapprehension on the subject. I now beg leave to state distinctly that the price intended to be understood was five per cent less than the Cash specified in my proposals to the last Legislature without any reference whatever to the Scrip price specified in those proposals. The practical operation of my proposals is to reduce the price

for printing the Acts from $1.75 to 1.66⅔ per page the Journals from $1.25 to $1.18¾ per page and other work in the same proportion

I will further add, that I have an ample supply of suitable paper on hand to do the public printing, and a sufficient number of workmen in my office to execute the work with reasonable dispatch — that I am prepared to commence the printing of the Acts at a day's notice I will complete them within two months (probably in little more than half that time) after receiving the copy if they do not exceed one hundred pages and if they exceed that number of pages, at the rate of at least 50 pages per week for the excess over 100 pages The Journals will be commenced immediately after the completion of the acts & their printing shall progress at the same rate as to time until ready for distribution. For the faithful execution of the public printing and for its completion within as short a time as practicable I am ready to enter into bond with ample security — All which is respectfully submitted

Your Obedient Servt

To Dr. W. W. Eliot. Ch'n W. E Woodruff

Joint Committee to receive

proposals for public Printing

In case of cash being in the Treasury at the time I present my accounts to the Auditor to discharge the same, I will make a deduction of 20 per cent from the prices in my proposals

C P Bertrand

Oct 14th 1833 Sig. 4, Ps. 25

The following message was received from the House by Mr. Bywater —

Mr. President, I am instructed to inform your honorable body, that the Joint Committee appointed for receiving proposals for Public Printing, have been instructed to ascertain from the

persons making bids, at what time the printing shall be done and completed; and ask the concurrence of the Legislative Council. I have also to inform you of the concurrence of the House of Representatives, in the report of the Joint Committee appointed to receive proposals for the public printing

Mr. Ficklin moved an amendment to the Resolution of the House, as communicated in the last message, by adding after the words "done & completed", the words "with bond and security;" which was assented to, and the House informed thereof

Mr. Elliott gave notice, that on Thursday next, he would ask leave to introduce a bill providing for the election of assessors, collectors and County Treasurers.

Mr. Bonnell offered the following Resolution:

Resolved, that the Committee on Memorials be instructed to enquire into the expediency of Memorializing Congress, for an appropriation for the surveying and making a road From Batesville, to intersect the National road, at or near John Magness's; Which was adopted

Mr. Jones asked leave to introduce a bill, to be entitled an Act to repeal an Act supplementary to an act, regulating elections; which was read a first time, and ordered to a second reading

Mr. Wolf asked leave to introduce a Bill, entitled an Act to divide Izard County; which was read a first time, and ordered to a second reading

Mr. Bonnell asked leave to introduce a Bill, entitled An Act supplementary to an Act, establishing County Courts in the Territory of Arkansas; Which was read a first time, and ordered to a second reading

A message was received from the House, by Mr. Hadspeth

Mr. President— I am instructed to inform you that the House of Representatives have concurred in the amendment made by the Council, to the instructions given to the Committee appointed to receive sealed proposals for public printing; and

also, that they have prepared a resolution to go into the election of Public Printer, on to morrow at 12 O'clock, and ask the concurrence of the Legislative Council.

The Message was taken up and read, when Mr. Sinclair moved to amend the resolution of the House, by striking out the words 12 O'clock to-morrow, and inserting the words 3 O'clock this afternoon; which was agreed to, and the House informed thereof.

Mr. Elliott offered the following Resolution

Resolved that the Legislative Council attend the funeral of Col. Chambers this evening at 4 O'clock; which was adopted

A message was received from the House of Representatives, informing the Council, that the House had concurred in the amendment of the Council, making the time of electing the public printer three O'clock this day

The following message was received from the House, by Mr. Sinnin —

Mr. President:

I am instructed to inform you, that the House of Representatives is now ready to go into the election of Public Printer, and request the attendance of the Council in the Hall of the House of Representatives, for that purpose

Whereupon, the Legislative Council repaired to the Hall of the House of Representatives, for the purpose of electing a public printer; and being there assembled

Mr. Elliott nominated Mr. Wm E. Woodruff, and

Mr. Farrelly nominated Charles P. Bertrand.

Mr. Farrelly ~~[illegible]~~ that the vote be taken viva voce, which was agreed to.

On motion of Mr. ~~Farrelly~~ Clarke* it was ordered, that the respective bids of the applicants be read.

The Secretary and Clerk of the respective houses having

the rolls, there appeared for William E Woodruff, 26 votes
P for Charles T. Bertrand 23 votes

Those of the Council who voted for Mr. Woodruff, were—
P Messrs Anderson, Alexander, Elliott, Ficklin, Jones, Kuy-
kendall, Smith, Thompson, Tidwell & Williamson—10

Those who voted for Mr. Bertrand, were—P Messrs Bowden,
Bran, Clark, Calloway, Caldwell, Duty, Farrelly, Judkins
Moore, McNeal, Sinclair & Wolf—12.

Those of the House of Representatives, who voted for Mr.
Woodruff, were—P Messrs. Alexander, Bynside, Byrd, Bust,
Dixon, Garrett, Hudspeth, Hammond, Ragan, Roberts,
Rutherford, Saylor, Shaw, Tucker, Talbot, Wilson—16.

Those who voted for Mr. Bertrand, were—P Messrs Bogy
Buzzard, Clark, File, Hanks, Magness, Martin, Stale-
nell, Tennin, Thurmond, Whitson—11

Whereupon, William E. Woodruff, was declared duly
elected Public Printer for the General Assembly of the
Territory of Arkansas.

And then the Legislative Council Retired to their
own Chamber.

And then the Council adjourned

Tuesday Oct 15

The Council assembled,

Mr Moore presented the petition of John C. Pelleton,
of Phillips County, praying for compensation for his services as
Prosecuting Attorney; which was referred to a Select Committee,
consisting of Messrs. Moore, Alexander and Tidwell

Mr. Thompson, from the Select Committee, to whom was referred
the Division of Clark and Hempstead County, reported the fol-
lowing entitled Bill, "An act to erect and establish the County
of ——;" which was read the first time, and ordered to a 2d reading.

Mr. Bosmer offered the following Resolution:

Resolved that a Committee of not less than three, be appointed to take into consideration ~~the following~~ a petition from the Register of the Land office at Batesville, in accordance with an act of Congress, passed the 20th of May, 1826, to appropriate Lands for the support of School in certain Townships and Fractional Townships, not before provided for, and Report to this House by bill or otherwise; Which Resolution was adopted, and Messrs Bosmer, Pickett and Alexander were appointed said Committee

The following message was received from the House of Representatives, by Mr. Hudspeth

Mr. President.—

—I am instructed to inform your Honorable body, that the House of Representatives have passed a resolution raising a Joint Committee, to wait on Wm E Woodruff, Public Printer, and receive his bond and security agreeably to his proposals for executing the public printing; and that the House have, on their part, appointed Messrs Hudspeth, Pickett and Martin; & ask the concurrence of the Legislative Council.

Mr. Farrelly moved to amend the resolution of the House, as communicated by the last message, by striking out the words "wait on," in the 3d line, and inserting the words receive his bond, & by striking out the words "and receive his bond," in the fourth line, and inserting the word "with" and by inserting after the word proposals, the words "in the penal sum of 2500 dollars; which was agreed to

Mr. Thompson asked leave to introduce a Bill to change the mode of assessment and collecting the Revenue of this Territory.—Which, on motion of Mr. Farrelly, was ordered to lie on the Table

The following message was received from the House of Representatives, by Mr. Hempstead

Mr. President—

— I am instructed to inform your Honorable Body, that the following Bills have been introduced into the House of Representatives, to wit:— A Bill for the punishment of slaves guilty of the crime of Larceny; A Bill supplementary to an act authorizing Emzy Wilson to Erect and keep a toll bridge across the Salarm Bayou; A Bill concerning the summoning of Jurors;— A Bill to repeal the 5th Section of an act for the division of Clark County;— A Bill to regulate the tax on merchandize in Arkansas Territory; A Bill, supplementary to an act defining the crime of maiming;— A Bill altering the mode of assessment in this Territory;— A Bill, to be entitled an act supplementary to the several laws now in force, regulating the Fiscal concerns of this Territory;— A Bill entitled an act for the relief of B. F. Howard, Sheriff of Conway County;— A Bill, entitled an act supplementary to an act entitled an act, to locate permanently the seat of Justice of Lafayette County

Mr. Thompson gave notice, that he would, on Wednesday next, ask leave to introduce a Bill, to be entitled an act, to prevent the selling of Pork without Ears or Ears; or beef hides without Ears or brands

Mr. Wolf offered the following resolution

Resolved, That the Committee on the Judiciary be instructed to take under consideration the second section of an act, passed in 1831, and approved November 3, giving thirty days after the rendition of Judgment before a Justice, to take an appeal to the Circuit Court, with leave to report by bill or otherwise.

Which was adopted

Mr. Farrelly offered the following Resolution

Resolved, that the Secretary of the Legislative Council be instructed to procure from the office of the Secretary of the Territory, Copies for each of the members of the Legislative Council, of such acts as

may remain in the office of said Secretary and not required for distribution.— Which was adopted

A Message was sent to the House of Representatives, informing the Hons, that the following Bills had been introduced into the Council to wit; A Bill to repeal an act supplementary to an act regulating elections; A Bill to divide the County of Izard; A Bill, supplementary to an act establishing County Courts in the Territory of Arkansas; A Bill to change the mode of Assessment & collecting the revenue of this Territory.— A Bill to divide Clark and Hempstead Counties.

The Bill to Repeal an Act supplementary to an act regulating elections, was read a second time, and on motion, was laid on the Table.

The Bill to divide Izard County was read a second time, and, on motion of Mr. Wolf, was committed to a Committee of the whole, and made the order of the day for Friday.

The Bill supplementary to an act establishing County Courts, was read a second time, and, on Motion of Mr. Bowie, was committed to a Committee of the Whole, and made the order of the day for Monday next.

And the Council adjourned.

"Wednesday October 11

The Council assembled.

Mr. Caldwell, of Jefferson County, presented a petition from Enoch Taylor, of said County, praying that he might be allowed to sign quit claim deeds for certain purposes therein mentioned, which was referred to a Select Committee, consisting of Messrs. Caldwell, Hanmell and Farrelly

Mr. Sinclair, from the Committee on Memorials,

introduced a Memorial to the Congress of the United States, praying for the sum of twenty five thousand dollars, for the purchase of opening a road on the Western boundaries of the Territory of Arkansas.

On Motion of Mr. Bean, the Council agreed to dispense with the Rules of the House, and the Memorial was read a second and Third time, and passed, and sent to the House of Representatives, for their concurrence

Mr. Bean, from the Committee on Memorials, reported, introduced a Memorial to the President of the United States, praying for a removal of the Troops from Fort Gibson, to the western Frontier of the Territory of Arkansas, which was read the first time. On Motion of Mr. Sinclair, the Council agreed to dispense with the Rules of the House, when the Memorial was read a second and third time, and passed, and sent to the House of Representatives, for their concurrence

Mr. Elliott, from the Select Committee, to whom was referred the division of Crittenden County, reported the following bill: "A Bill, to be entitled an Act to divide Crittenden County," which was read the first time, and ordered to a second reading.

A Message was received from the Governor, transmitting to the Council, sundry documents which had been called for by the Council, on the 12th. instant

On Motion of Mr. Farrelly, the documents were read committed to the Committee on Memorials.

Mr. Farrelly offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to examine the provisions of an act, entitled "an Act to define in part, the duties of Sheriffs and Constables, and

for other purposes" passed the 7th of November, 1834 and report what amendment, if any is necessary to said Act. which was adopted

Mr. Moore from the Committee to whom was referred the petition of J. C. P. Tolleson reported the following bill "An act for the relief of J. C. P. Tolleson which was read the first time and ordered to a Second reading

Mr. Farrelly offered the following Resolution Resolved that the Secretary be instructed to purchase for the use of the Legislative Council a complete set, (if the same can be procured) of the Statutory Laws of the Territory for the use of the Legislative Council & that the same be deposited in the Secretary's office with the Journals at the close of the present Session which was adopted

Mr. Thompson pursuant to previous notice given, asked and obtained leave to introduce a bill, entitled an act inflicting certain fines on persons vending or offering to vend the hides or meat of certain animals, without showing or exhibiting the ears, ear mark or brands of such animals, which was read the first time and ordered to a second reading

Mr. Tucklin offered the following Resolution Resolved that the Committee on the Judiciary be instructed to enquire into the expediency of passing a law regulating proceedings in the Chancery Courts of this Territory, which was adopted

The Bill to divide Hempstead and Clark Counties, and establish the County of ——— was taken up and read a 2d time and committed to the Committee of the whole & made the order of the day for Monday next

On motion Mr. Sinclair offered the following Resolution

Resolved that the committee on Memorials be instructed to enquire into the expediency of Memorializing Congress on the subject of the reduction of the price of the public Lands of the United States also to bring under the consideration of Congress the propriety of disposing of the Townships of Land, returned by the public Surveyors ~~not~~ for sale, lying in the limits of this Territory which was adopted

Mr. Alexander asked and obtained leave to introduce a Memorial to the Congress of the United States praying for an appropriation of $25.000 to complete the road from Strong's in St. Francis County to Little Rock

Mr. Sinclair moved that the rules of the House be dispensed with, which was agreed to and the Memorial was ordered to its second and third reading and passed; and sent to the House of Representatives for their concurrence

And the Council adjourned

Thursday Oct 17.

The Council assembled

Mr. Bozwell from the Committee to whom was referred the subject of Roads and highways reported a Bill supplementary to the several acts now in force in the Territory of Arkansas, concerning "roads & highways" was read the first time and ordered to its second reading

Mr. Caldwell pursuant to notice previously given, asked and obtained leave to introduce a bill to be entitled an act for the purpose of building a jail in the County of Jefferson" which was read the first time and ordered to its second reading.

The following message was received from the House of Representatives by Mr. Hanks

Mr. President

I am instructed to inform your Honorable body that the House of Representatives have passed a Bill entitled "An act supplementary to an act authorizing Emzy Wilson to erect and keep a toll bridge across Palarm Bayou in Pulaski County" which is herewith transmitted for your concurrence therein.

And I am also instructed to inform that the following bills and memorials have been introduced into the House of Representatives, to wit "A Bill to be entitled an act to appoint Commissioners and to levy a tax for the purpose of building a jail in the County of Jackson." "A Bill entitled an act to repeal in part an act to authorize the removal of the administration of Josiah Gains and Joseph Kuykendale, dec'ds to the counties of Clark and Independence, approved 2nd Oct 1831 and for other purposes" "A Bill to be entitled an act to authorize Justices of the Peace to depatie a constable in certain cases." "An act supplementary to a law now in force for the collection of small debts" "A Bill to be entitled an act compelling the Treasurer of Hempstead County to pay over one eight part of the monies in the Treasury or that was due the Treasury of said County on the 22d of October 1836" "A Bill to be entitled an act supplementary to an act intitled an act to locate the seat of Justice of Chicot County" "A Bill entitled an act to repeal an act requiring Sheriffs to expose Lands for Sale at no other time than during the sitting of the circuit court of the respective Counties" "And a Memorial to the Congress of the United States praying an appropriation to open a road from Murrele's Lan. to Miller Court House

The Bill from the House of Representatives entitled "An act supplementary to an act authorizing Emzy Wilson to erect and keep a toll bridge across Palarm Bayou, was read

a fist time. and on motion of Mr. Farrelly the rules of the House was dispensed with and the Bile ordered to its second reading. The Bile being read a second time On motion of Mr. Farrelly the Bile was amended by striking out the word "five" in the 3d line of the fist section and the word "two" inserted in lieu thereof. and the following was added as a second section "Sec 2. and be it further enacted. that instead of the term of twenty years provided in the act to which this is an amendment, the said Wilson, his heirs or assigns shall have and enjoy the profits arising from the toll of said bridge for the term of twenty five years." and to insert after the word "enacted" in the 2d line "that so much of the act to which this is an amendment as is inconsistent with the provisions of this act, be and the same is hereby repealed and"— And to strike out the word "supplementary" in the title and insert the words "in amendment"

The rules of the House being dispensed with the bile passed to its third and last reading and was passed and sent to the House of Representatives for their Concurrence

The Bile to divide the County of Cattlendew was taken up and read a second time, when on motion of Mr. Elliott it was committed to a committee of the whole House and made the order of the day for Saturday next.

The Bile for the relief of J. C. P. Tolleson was taken up & read the second time, when on motion of Mr. Moore it was committed to a Committee of the whole and made the order of the day for Friday

The Bile entitled an act inflicting certain fines ~~Crimes~~ on persons vending or offering to vend the hides or meat of certain animals without showing or exhibiting the Ears or Earmarks or brands" was read a second time, and on Motion

of Mr. McKean was indefinitely postponed

The following message was received from the House of Representatives by Mr. Ragan

Mr. President

I am instructed to inform your Honorable body that the following Memorials from the Legislative Council have passed the House of Representatives, to wit: A Memorial to the President of the United States, praying for the Removal of the Troops at Fort Gibson to the western boundary of the Territory of Arkansas. Also a memorial to the Congress of the United States praying an appropriation of $25 000 for the purpose of opening a road on the western border of the Territory of Arkansas. Also a memorial to the Congress of the United States praying an appropriation of 25 000 dollars to complete the road from Strong's in St. Francis County to Little Rock, which is herewith transmitted.

Mr. Farrelly offered the following resolution

Resolved that the committee on the Judiciary be instructed to examine the provisions of the laws respecting the salaries of the prosecuting attornies, and report if any amendments is necessary. Which was adopted.

On Motion of Mr. Elliott Mr. Fackler was added to the committee on the Militia

The Council adjourned

2nd Friday Oct 18

The Council assembled

The following petitions were presented (Of Arkansas County)

By Mr Farrelly the petition of Betsey McElmurry praying for divorce, which was referred to the Committee on Divorce & Alimony

By Mr Alexander a petition of William Rachels of St Francis County praying for Divorce, which was referred to the Committee on Divorce and Alimony

By Mr Sinclair, a petition from Jemima Welty of Crawford County praying for divorce, which was referred to the Committee on Divorce and Alimony

By Mr Elliott a petition from Jehu Barney of Crittenden County praying for Divorce, which was referred to the Committee on Divorce and Alimony

By Mr Jones, a petition from Lafayette Jones of Monroe County praying for relief in certain cases set forth in said petition, which was referred to a select committee, consisting of Messrs. Farrelly, Elliott and Smith

Mr. Tidwell from the committee on Memorials, reported a Memorial to the Congress of the United States for an appropriation of $30.000 for the purpose of opening a road from Strongs in St Francis County, via Lelchfield to Batesville. which was read the first time. Mr. Tidwell moves that the rules of the House be dispensed with & the Memorial ordered to its 2d & 3d reading, which was agreed to. The Memorial was then taken up and read a 2d and 3d time and passed

Mr. Sinclair from the committee on Memorials reported a

A Memorial to the Congress of the United States asking a reduction in the price of Public Lands, and requesting that certain lands be given up to the disposal of the Legislature of the Territory. On motion of Mr. Farrelly, moved that the memorial be amended by striking out all the words after "claims of various kinds," in the 37th line, to the words "Thus almost" in the 39th line. The Yeas and Nays being called for, those who voted in the affirmative were Messrs Bonnell, Clark, Caldwell, Duty, Ficklin, Farrelly, Judkins, Mayhendall, Moore, McClean, Smith, Thomison & Tidwell 13.

Those who voted in the negative were Messrs. Alexander, Beaw, Calloway, Elliott, Jones, Sinclair, Wolf & Mr. President. 8. So the amendment was adopted. On motion of Mr. Sinclair the Memorial was then ordered to lie on the Table

The following message was received from the House of Representatives, by Mr. Tucker:

Mr President —

I am instructed to inform your Honorable body, that the following bills have been introduced into the House of Representatives, viz: "A Bill, to be entitled an Act supplementary to the several Laws now in force in this Territory, defining the powers and duty of Justices of the Peace;" also, "A Bill for the relief of John Williams."

Mr. Ficklin presented a letter from Mr. Anderson, asking for leave of absence until Monday next, on account of sickness in his position; which was granted.

Mr. Wolf introduced a Memorial praying the Congress of the United States to open a road from Dardanelle, in Lawrence County, to Fort Smith; which was read the first time, and, On Motion of Mr. Wolf, the rules of the House were dispensed with, and the Memorial ordered to its 2d and 3d reading. The Memorial was then read a second & third time, and passed

On motion of Mr. Moore, Mr. ~~Smith~~ Elliott was added to the Committee on Divorce and Alimony

Mr. Calloway offered the following Resolution
Resolved that the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress on the subject of making an appropriation for opening a Road from the Caddo Cove in Hot Spring County to Fort Smith on the Arkansas River by the way of Polks Settlement on the Ouachitta River which was adopted

Mr. Jones gave notice that he would on Tuesday next ask leave to introduce a bill, to exempt from a poll tax all individuals who are by age exempt from Military duties, and for other purposes.

Mr. Ficklin offered the following resolution
Resolved, that the Legislative Council will not take up after this date any subject of divorce, unless it can be clearly shown that the Statutes on the subject of divorce and alimony is ineffectual, and that relief cannot be had under the laws now in force
Which was rejected

Sig. 5, page 33.

Mr. Sinclair offered the following resolution
Resolved, that a Committee of three be appointed to draft suitable circulars, requesting the States west of the Ohio, to join in Memorializing Congress for the reduction of the price of the public Lands of the United States which was adopted & Messrs. Sinclair, Elliott & Calloway appointed a Committee for that purpose

On motion of Mr. Bonnell the order of the day was taken up

On motion of Mr. Wolf the Bill to be entitled an act to repeal an act supplementary to an act, regulating Elections, was taken up and read the ~~third~~ time

Mr. Farrelly moved that the Bill be indefinitely postponed The yeas and nays being called for, on the indefinite postponement of the Bill. Those who voted in the affirmative were Messrs. Bean Bozman, Callaway, Caldwell, Elliott, Ficklin, Farrelly, Sinclair, Smith, Wolf and Mr. President 11

Those who voted in the negative were Messrs. Alexander Clark, Duty, Judkins, Jones, Kuykendall, Moore, McClean Thornton and Tidwell 10 So the Bill was indefinitely postponed

A Bill supplementary to the several acts now in force in the Territory of Orleans, concerning roads and highways was taken up and read a second time - And on motion of Mr. Bozman was committed to a Committee of the whole and made the order of the day for Saturday

The Bill to build a jail in the County of Jefferson was taken up and read a second time. And on motion of Mr Caldwell was ordered to its third reading to-morrow

On motion of Mr. Wolf the Council resolved itself into Committee of the whole on the bill to divide Jefferson County Mr Tidwell in the chair. ~~The bill being read. (Mr Farrelly~~ ~~offered the following amendments. Which were adopted.~~ (To strike out the words "Bear Creek and" in the 11th line of the first section, and insert in the same line after the words "Richland Creek" "and Lick Creek so as to include all the waters of Richland Creek, and of the dividing ~~creek~~ ridge between the waters of Bear and Richland Creek" and to insert after the word "ridge" in the 16th line of same section "to the Post road from Jefferson Court House to Washington Court House thence on a north course to the Mexican line so as to include all the waters of Kings River" and further to amend it by adding the following as a 4th Section. Section

* To be inserted after "amendments to" in next page

Sec. 4. And be it Further enacted, That the County of Carroll, hereby established, shall be attached to and form a part of the 3d Judicial Circuit, and the Circuit Courts in said County shall be ~~attached to and form~~ holden by the Judge of said Circuit on the first monday after the fourth monday in May and November in each year, after the organization of said County, and continue in session until all the business before said Court is finished, unless the said Judge shall be compelled to adjourn to attend another Court.)

The Committee rose and the President resumed the chair.

Mr. Sidwell reported, That the Committee had, according to order, had said Bill under consideration, that they had gone through the same, and had instructed him to report the same to the Legislature Council with amendments, which amendments were adopted: And, on motion of Mr. Wolf, it was Ordered that said Bill be engrossed, and read a third time to-morrow.

A message from the House, by Mr. Martin:

Mr. President —

— I am authorized to inform your Honorable body, that a Bill, to be entitled An act to dissolve the Bonds of Matrimony between Marina T. Cole and James Cole, has passed the House of Representatives, and is hereby transmitted for your concurrence, — And also that the House have agreed to the amendments of the Legislative Council, to the Bill, to be entitled An act supplementary to an act passed at the last session of the Legislature, authorizing Emory Wilson to Erect & keep a toll bridge across the Pilcom Bayou, in Pulaski County, and ask your concurrence,

On motion of Mr. Farrelly, it was

Ordered That the sealed proposals of William E Beardsley and C. T. Bertrand, made to the Joint Committee on the Public Printing, be strewn on the Journals.

A message was received from the House by Mr. Martin.

Mr. President —

— I am instructed to inform your honorable body, that the House of Representatives concur in the amendment of the Legislative Council to the Resolution to receive a Bond from the Public Printer.

When the Council adjourned

Saturday Oct 19.

The Council Assembled.

The following petitions were presented,

By Mr. Jeuckens the petition of Polly Griffin, of Hempstead County, praying for Divorce, P which was referred to the Committee on Divorce and Alimony.

By Mr. Ridwell a petition from Martha Sands, of Pope County, praying for divorce, P which was referred to the Committee on Divorce and Alimony

By Mr. Alexander a petition from John Barnes, of St. Francis County, praying for relief in certain cases set forth in said petition. Which was referred to a Select committee, consisting of Messrs. Alexander, Jeuckens and Calloway.

On Motion of Mr. Sinclair, the memorial to the Congress of the United States, praying for the reduction of the Price of Public Lands, was taken up and read a third time, as amended, and passed; and transmitted to the House of Representatives, for their concurrence.

Mr. Ruyskendall, from the Select committee, to whom that

subject was referred, reported a Bill, to be intitled "an act to erect and establish the County of Van Buren," which Bill was read the first time.

On motion of Mr. Kaylendall, the rules of the House were dispensed with, and the Bill ordered to its second reading. The Bill was read a second time, and, on motion of Mr. Farnsley, was committed to a Committee of the whole, and made the order of the day for Tuesday next.

Mr. Calloway gave notice, that he would, on Tuesday next, ask leave to introduce a bile to define the boundary lines of Hot Spring County.

Mr. Elliott introduced a Memorial to the Congress of the United States praying an appropriation for a road from the Mouth of Cache to Helena, or the mouth of St. Francis, on the Mississippi River, which was read the first time. ~~On Motion of Mr. Elliott it was ordered that the rules of the House be dispensed with, and the bill ordered to its 2d reading. The bill being read a second time and 3d and ordered to be engrossed for a third reading.~~ Mr. Moore moved that the Memorial be indefinitely postponed.

The yeas and nays being called for on the indefinite postponement of the Memorial — Those who voted in the affirmative, were Messrs. Alexander, Bassett, Bean, Clark, Calloway, Caldwell, Farnsley, Judkins, Jones, Moore, McKean, Sinclair, Thompson, Tidwell, Wolf, & Mr President. 16.

Those who voted in the negative were Messrs Fitchen, Kaylendall and Smith — 3. So the Memorial was indefinitely postponed.

Mr. Smith gave notice that he would, on Tuesday next, ask leave to introduce a bile, to be intitled "An act for merly to locate the seat of Justice in Union County."

Mr Clark gave notice, that he would, on Monday next, ask leave to introduce a Bill, to be entitled "an Act to protect Slaves from inhuman and cruel treatment by their masters"

Mr. Smith gave notice, that he would, on Wednesday next, ask leave to introduce a Bill to be entitled "An act providing a mode for contesting the elections of all officers, both civil and military, in this Territory.

On motion of Mr. Brean, the orders of the day were taken up; And, On Motion of Mr. Moore, the Legislative Council then resolved itself into a Committee of the Whole, on the Bill for the Relief of J. C. P. Tolleson, Mr. Sinclair in the chair; and after some time spent therein, the Committee rose, and the President having resumed the chair, Mr. Sinclair reported, that the committee had, according to order, had under consideration the said Bill; that they had gone through the same, without amendment. And instructing him to report the same to the Council. Which report was received, (and the Committee discharged from the further consideration thereof) and to be engrossed) And on motion of Mr. Moore, the rules of the House were dispensed with, the bill read a third time, and passed; and sent to the House for concurrence

The Council resolved itself into Committee of the whole, on the On motion of Mr. Bonner, the Bill "supplementary to the several acts now in force in the Territory of Arkansas, concerning roads & high ways" Mr. Fickelin in the chair; and after some time spent therein, the Committee, rose, and the President having resumed the chair, Mr. Fickelin reported: that that the Committee had, according to order, had under consideration, the said Bill,—that they had gone thro' the same, and instructing him to report the same to the Legislative Council with amendments. Which said amendments were adopted; and on motion of Mr. Sinclair, The said Bill was committed to a select committee, consisting of Majors Bonner, Farrelly, Elliott, Sinclair, Fowler and Brean.

The following message was received from the House, by Mr Bye

Mr. President — I am instructed to inform your honorable body that a memorial to open a Road, beginning at Murrells Post office, La, to Miller Court House, A. T, has been read a third time, and passed; and also that the following Bills have been read a third time, and passed viz: A Bill to be entitled "An act to define and designate the western boundary line of Conway, and the Eastern boundary of Pope;" A Bill to be entitled "An act compelling the Treasurer of Hempstead County to pay over one eighth part of the amount of monies in the Treasury, or that was due the Treasury of said County, on the 22d day of October, 1828." A Bill to be entitled "An act to authorize Justices of the peace to appoint constables in certain cases." A Bill to be entitled "An Act supplementary to an act permanently to locate the seat of Justice of Chicot County." A Bill to be entitled "an act defining the crime of maiming;" A Bill to be entitled "An act supplementary to an act entitled an act to locate permanently the seat of Justice of Lafayette County; And ask the concurrence of the Legislative Council. — I am also instructed to inform your Honorable body that the following bills have received a first reading in this House, viz: "A Bill to be entitled an Act to amend the 17th Section of the small debt Law;" A Bill to be entitled an act for the relief of the illegitimate children of William Rye;" A Bill to be entitled "An act to authorize William Shannon to erect and build a toll bridge across Cypress."

On motion of Mr. Farrelly, it was ordered, That a message be sent to the House of Representatives, requesting that the Clerk furnish Messrs. William E Woodruff and C. P. Bertrand, for the public printing made to the joint Committee on that subject, to be transmitted to the Council, in order that they may be placed upon their Journals.

On motion of Mr. Elliott the Legislative Council then resolved itself into Committee of the whole, Mr. Farrelly in the chair,

On the Bile to divide Cattenden County; and after some time spent therein, the Committee rose, and the President having resumed the Chair; Mr. Farrelly reported; That the Committee had according to order, had under consideration the said Bile, That they had gone through the same, and had instructed him to report the same to the Legislative Council, with sundry amendments; Which said amendments were adopted; and on motion of Mr. Elliott, said bile was ordered to be engrossed and read a third time on Monday

On motion of Mr. Caldwell, the Bile entitled An act for the purpose of building a Gaol in the county of Jefferson, was read a third time, and passed, with the title aforesaid, striking out the words "A Bile, to be entitled," and sent to the House of Representatives for concurrence

The engrossed Bile, from the House of Representatives, entitled an act to dissolve the bonds of matrimony between Marina J. Cole, alias Marina J. Stuart & James Cole, was taken up and read, and ordered to a second reading on Monday

The engrossed bile, entitled an act "to devide the County of Izard, was read a third time, and passed, with the following amendments, viz: In the 5th line of the 3d section, after the word "plaintiff", the words "in civil cases," was inserted. In the 6th line of the same section, after the words "Prosecuting attorney", was inserted the words "In criminal cases," and it was further amended by inserting "Section 5" between the 4th & 6th Sections, and by striking out the words "A Bile, to be entitled" in the title of said Bile, and sent to the House of Representatives for concurrence.

And the Council adjourned

Monday October 21, 1833.

The Council assembled

Mr. Callaway, from the Committee on Memorials, introduced a memorial praying the Congress of the United States to authorize a Survey of the Ouachita River, & to appropriate the sum of five Hundred dollars to defray the expenses of the same. The memorial was read the first and 2d time, and,

On motion of Mr. Farrelly, the ~~memorial~~ the memorial was amended; and, on motion of Mr. Callaway, was ordered to be engrossed and read a third time to-morrow

Mr. McKean, gave notice, that on to-morrow he would ask leave to introduce a Bill to define the northern boundary line of Sevier County.

Mr. Moore asked leave of absence until to-morrow, on account of indisposition: which was granted.

Mr Sinclair, from the Select committee to whom was referred the drafting of a circular, concerning a reduction in the price of public lands, Reported the following circular:

To the Honorable Legislature of the

From the general assembly of the Territory of Arkansas

We have, at this present session, drafted a memorial to be presented to the general Congress of the United States, asking for a reduction in the price of the Public Lands of the United States, to such a sum per acre, as will pay the expenses of surveying the same. And we, by this circular, do request and urge you to do the same, and to urge the general Legislature to perform an act which will tend so much to the welfare of the ~~this~~ and Territory of those States which contain public Lands, and which are thinly settled and slowly increasing; an effect in a great measure owing to the present high price of those Lands. It is needless for us to detail to you the disadvantages under which the other West and the Terri-

tories particularly are suffering— Of this you are as well aware as me— Let us ask boldly for Justice !— not for favor— It is our right.— The Public debt is a thing that has been. And now it is unjust to raise a revenue from the Public Land. The youngest of the Territories, and the weakest though we are, still we pray you not to disregard the measure because it comes from us.— Let us speak boldly and in unison and our voice must be heard, and our requests granted.

Dated at Little Rock, in the Territory of Arkansas, 20th October 1828

Mr. Farrelly offered as an amendment the following Resolution, to precede said circular, which was adopted

Resolved by the Legislative Council and House of Representatives of the Territory of Arkansas, That the following Circular letter be addressed to the Legislatures of the different States & Territories, wherein the Public Lands lie and that the Governor be requested to transmit the same to the executives of the said States and Territories, and request the same may be laid before their respective Legislatures. Which was adopted and sent to the House of Representatives for their concurrence

On motion of Mr. Bonner, the Legislative Council resolved into a Committee of the whole, Mr. Wolf in the chair, on the Bill "Supplementary to an act establishing County Courts in the Territory of Arkansas," and after some time spent therein, the Committee rose, and the President having resumed the Chair,

Mr. Wolf reported that the committee had according to order had under consideration the said Bill, that they had gone through the same, and had instructed him to report the same, without amendment

On motion of Mr. Farrelly, the Bill was committed to a select committee, consisting of Majors Bonner, Smith, Brac Farrelly, Ficklin and Jones

The following Message was received from the House of Representatives by Mr. Rattleyard.

Mr. President—

— I am instructed, in accordance with your request to transmit to your Honorable body the sealed proposals of Wm E. Woodruff & C. P. Bulcane, on the subject of the public printing made to the joint committee on that subject, in order that the same may be spread on your journals; which proposals are herewith transmitted. I am also requested to inform your Honorable body, that a Memorial to Congress for an appropriation for a road from Paraclifta, the seat of Justice in the County of Izard, by way of Washington, Hempstead County, and Cato's Lake, in Union County, to Columbia, in Chicot County, has been read a third time, and passed, also a Bill to be entitled an act for the relief of B. F. Howard, Sheriff of Clark County, which are herewith transmitted for your concurrence.

The following are the sealed proposals transmitted.

Little Rock, 11 Oct. 1833

Sir— Not having had leisure (since notified by you last evening) to make the necessary calculations to enable me to offer detailed proposals for each particular description of Printing required for the Territory. I am under the necessity of offering my proposals in a different form viz. I will execute the Public Printing for five per cent less, than the price specified in the proposals offered by me to the general assembly on the 1st Oct. 1831, to which I beg leave to refer you — Respectfully — Your Obd't Servt.

Wm E Woodruff.

Dr. W. W Elliott Chn. Joint Committee appointed to receive proposals for Public Printing.

To the Joint Committee of both Houses of the General Assembly of the Territory of Arkansas, appointed to receive pro-

Proposals for executing the public printing for the Territory of Arkansas. — Gentlemen. Herewith you have my proposals for executing the public printing for the Territory of Arkansas

Respectfully Your Ob't Servt

October 10. 1833 C. F. Bertrand

Proposals for Executing the Public Printing of the Territory of Arkansas

Description of Work to be executed	Prices Dollars	Cents
For Printing the acts passed by the General Assembly, on a page the size of the acts passed in 1831. with new type, and on paper of a similar quality. For any number not exceeding 500 copies, per page	$ 1	75
For each succeeding 500 copies of same, (or in the same proportion for a less number) per page. — — — — — — —		60
For publishing the same in the "Arkansas Advocate". For each printed page of the pamplet edition — — —		80
For printing the Journals of the General Assembly in a page the size of the Journals of the session in 1831. with new type and on paper of a similar quality. For any number not exceeding 500 copies. per page — — — — — —	1	25
For each succeeding 500 copies of same, (or in same proportion for a less number) per page — — — — — —		60
For Printing Bills for the general assembly on fools cap paper or long primer type on a page 11½ inches long, by 5½ inches wide at the following rates for 50 copies — — — — —		
1 page on a half sheet — — — —	2	93
2 " do do	5	81
3 " do whole sheet — — — — —	8	00
4 " do do	10	12½
Each succeeding half or whole sheet in the same proportion		
For any number of Bills exceeding 50 copies, per quire —		90
For printing quarto handbills on type not smaller than Columbian The following rates:		

Super Royal 1st 50 copies	2	00
do 2nd 50 do	1	00
do each succeeding 100		90
Medium 1st 50 copies	1	87½
do 2nd 50 do		95
do each succeeding 100		85

For printing Forts cap or quarto post blanks the following rates viz

First quire one page on a sheet	2	00
Each succeeding quire	1	00

Broadside blanks at double the foregoing rates

For publishing proclamations of the Governor, or other executive advertisements, in the "Arkansas Advocate," a deduction of 33⅓ per cent. will be made from the ordinary rate of advertising, as specified in my paper

Works requiring extra labor, or containing figure work, will be subject to an extra charge, which in no case will exceed double the price of common printing

The foregoing prices embrace the expenses of paper, folding &c. but not of binding

I will execute the Public Printing of the Territory, on the terms specified above & take drafts on the Territorial Treasury in payment

The copy of any work required to be printed must in all cases be furnished me

Little Rock, Oct. 10, 1833 — C. P. Bertrand

On motion of Mr. Thompson, the Legislative Council resolved itself into a Committee of the Whole, Mr. Elliott in the chair, on the Bill to divide Clark & Hempstead counties, and after some time spent therein, the Committee rose, and the President having resumed the chair,

Mr. Elliott reported, that the Committee had, according to order, had under consideration the said Bill; that they had gone

through the same, and have instructed him to report the same to the Legislative Council with sundry amendments; which amendments were agreed to, and the bill ordered to be engrossed and read a third time to-morrow

Mr. Clark asked leave to withdraw the notice given by himself on Saturday last to introduce a bill to day, which was granted.

Mr. Clark then gave notice, that he would, on to-morrow, ask leave to introduce a Bill to protect Slaves from inhuman treatment by their masters.

And the Council adjourned

Tuesday Oct 22d 1833

The Council assembled

Mr. Smith presented petitions from the citizens of Crawford and Pope Counties, praying for an alteration in the boundary line of said Counties

Mr. Caldwell, from the joint Committee on Enrollments, reported the following Memorials, and Act as correctly enrolled

A Memorial to the Congress of the United States praying for the sum of $25.000, for the purpose of opening a road on the Western border of the Territory.

A memorial to the President of the United States praying for the removal of the Troops from Fort Gibson, to the Western boundary of the Territory of Arkansas

A memorial to the Congress of the United States, praying for the sum of $35000, to finish the road from Strouds, in St. Francis County,

to Little Rock.

And an Act in amendment of an Act passed at the last session of the Legislature, authorizing Emzy Wilson to erect and keep a toll bridge across the Palarm Bayou in Pulaski County.

Mr. Bosrile, from the select committee to whom the subject was referred, reported a Bill for the better selecting School Lands provided for under an act of Congress 20th May, 1824, which was read the first time, and ordered to its second reading to-morrow.

Mr. Clark, pursuant to notice previously given, introduced a Bill to be entitled an act to protect slaves from cruel and inhuman treatment by their masters, which was read the first time and ordered to its second Reading to-morrow

Mr. Jones, pursuant to notice previously given, introduced a Bill to be entitled an Act to exempt certain persons from paying a personal Tax & for other purposes. which was read a first time, and ordered to its second reading to-morrow

Mr. Smith, pursuant to notice previously given, introduced a Bill to be entitled an Act supplementary to an Act entitled an Act permanently to locate the seat of Justice of Union County, which was read the first time, and ordered to its second reading to-morrow

Mr. Elliott introduced a Memorial, praying the Congress of the United States to give to the assignees of the original patentees of Military bounty lands, the right to float their claims and locate other lands

Mr. Calloway, pursuant to notice previously given, introduced a Bill, to be entitled an act to define the boundaries of Hot Spring County which was read the first time, and ordered to its second reading to-morrow.

The following message was receive from the House of Representatives, by Mr. Roberts:

Mr. President — I am instructed to inform your Honorable body, that he's with the following titles have passed the H. of Representatives, to wit: "An act to repeal, in part, an act, entitled an act to authorize the removal of the administrations on the estate of Joseph Lanes and Joseph Kay Kendall, dec'd, to the county of Clark & Independence, approved 27th of Oct, 1831, and for other purposes," "An act to appoint Commissioners to levy a tax in the County of ~~Lafayette~~ Jackson, for the purpose of building a jail in said County, and ask the concurrence of the council

Mr Jones offered the following resolution;

Resolved, That John E Graham be permitted to come within the bar of the Legislative Council for the purpose of making extracts from the Journals for publication, Which was adopted

Sig. G, page 41.

Mr. Thompson gave notice that he would, on Wednesday next, ask leave to introduce a Bill to incorporate the Methodist Episcopal church into a body politic and corporate for the purposes herein after mentioned

On motion of Mr. Kuykendall, the Legislative Council resolved itself into the Committee of the Whole, Mr. Jackins in the chair, on the Bill to establish the County of Van Buren, and after some time spent therein, the Committee rose, and the President having resumed the chair,

Mr. Jackins reported that the Committee had, according to order, had under consideration the said bill, that they have gone through the same, and instructed him to report the same without amendments.

On motion of Mr. Bonnell, the said bill was committed to a select committee, consisting of Messrs. Kuykendall, Bonnell, Elliott, Jackins, Smith, Wolf and Dedmon

Mr. McKean, pursuant to notice previously given, introduced a Bill to define the boundaries of Sevier County; which was read the first time, and ordered to its second reading to-morrow.

On motion of Mr. Elliott, the engrossed bill to divide Crittenden County, was taken up and read the third time on its final passage— On motion of Mr. Elliott, the Bill was ~~further~~ amended by striking out the words "A bill to be entitled" in its title, and passed & sent to the House of Representatives for concurrence.

A message was received from his Excellency the Governor, transmitting the documents in connection with the location of the 72 sections of Land donated to the Territory of Arkansas for the purpose of endowing a Seminary of Learning in said Territory— in accordance to a resolution of the Legislative Council passed the 10th instant— which message and accompanying documents were read— And, on motion of Mr. Farrelly, it was Ordered, that the Committee appointed on the Seminary Lands, be instructed to act in conjunction with such committee as may be appointed on the part of the House of Representatives, on that subject and that the Governor's Message of the 22d instant, with the accompanying documents, be referred to said committee.

On motion of Mr. Farrelly, it was Ordered, That the Governor's message of the 22d instant, and accompanying documents, be transmitted to the House of Representatives, with a message informing that House, that a committee have been appointed by the Legislative Council on the Seminary Lands, and that the Message and accompanying documents have been referred to that Committee; and to request the appointment of a Committee on their part to act in conjunction with them.

Which message was accordingly sent.

The Bill from the House of Representatives, intitled an act to ~~divorce Marina~~ dissolve the bonds of Matrimony ~~I Cole~~ between Marina I. Cole, alias Marina J. Stuart, and her husband

James Cole," was taken up and read a second time,
and, on motion of Mr. Judkins, the rules of the House were dispensed
with, and the Bill read a third time. The yeas and nays being
called for on its final passage, Those who voted in the affirmative
were Messrs. Anderson, Alexander, Bean, Clark, Calloway, Cald-
well, Doty, Elliott, Farrelly, Judkins, Jones, Kuykendall, Mc
Kean, Sinclair, Smith, Thompson, Tedwell & Mr. President — 18.
Those who voted in the negative were Messrs. Bonnell, Ficklin
and Wolf — 3. And the Bill passed with the title aforesaid,
striking out the words in the title, an "Act to be entitled;" and sent
to the House of Representatives, for concurrence.

The following message was received from the House of Represent-
atives by Mr. Rathford:

Mr President — I am instructed to inform your Honorable body,
that the House of Representatives have passed the following
Bills, to wit. A Bill, entitled an act supplementary to the Law
now in force for the collection of small debts," A Bill, entitled an
act permanently to locate the Seat of Justice of Washington County,
and for other purposes," which are herewith transmitted, for the
concurrence of the Legislative Council.

The engrossed Bill, to divide Hempstead and Clark Counties,
was taken up and read a third time.

On motion of Mr. Judkins, moved that the Bill be indefi-
nitely postponed, which motion was rejected. The question then
recurred on its final passage, — when the bill passed with the
title "An act to erect and establish the County of Pike," and
sent to the House of Representatives, for their concurrence.

The engrossed Memorial, praying the Congress of the United States,
for the an appropriation to survey the Ouachita river, was read
a third time, and passed, and sent to the House of Representa-
tives, for concurrence.

And the Council adjourned,

Wednesday Oct 23d

The Council assembled.

Mr. Farrelly presented a petition from sundry Citizens of Pope County praying that that County may not be divided.

Mr. Bozzle, from the Committee on Divorce and Alimony, offered the following report, which was adopted.

The Standing Committee upon Divorce and Alimony, have taken all the references referred to them, under consideration, and a majority of said Committee beg leave to report favorably to the following ~~bills~~ cases, with leave to introduce a Bill, to wit:

The Petitions of John Barney, Abraham Smally, David Gutman, William Rachels, Lemima Petty, Betsey M Elmurry, Martha Lamb, Solomon B. Flynn, Polly Griffin and James Walton, Esq. which said report the Chairman begs leave to dissent from. — J. Bozzle, Chairman.

Mr. Sinclair, from the Committee on Divorce and Alimony, introduced a Bill, for divers certain purposes, which was read the first time. The rules of the Council, on motion of Mr. Sinclair, being dispensed with, Mr. Wolf moved to lay the bill on the Table. The ayes & nays being called for, those who voted in the affirmative, were — Messrs. Anderson, Bozzle, Duty, Ficklin & Wolf — 5.

Those who voted in the negative, were — Messrs. Alexander, Bean, Clark, Calloway, Caldwell, Elliott, Farrelly, Jones, Kuykendall, McKeen, Sinclair, Smith, Thompson, Tidwell & Mr. President — 15.

So the motion was rejected. On motion of Mr. Sinclair the Bill, then, was ordered to be read a third time and passed & sent to the House of Representatives for concurrence.

The following message was received from the House of Representatives, by Mr. Roberts.

Mr. President— I am instructed to inform your Honorable body, that the following Bills have been introduced into the House of Representatives, to wit: A Bill to be entitled an act to divide the County of Lawrence;— "A Bill to be entitled an act to divide the County of Lawrence." "A Bill to be entitled an act amendatory to the several Laws now in force in this Territory, relative to appeals." "A Bill to be entitled an act to regulate the fees of Justices of the Peace & Constables." "A Bill to be entitled an act to Legitimatize the children of John L Lafferty." "A bill to be entitled an act to Legitimatize the children of Nicholas Doherty;— and also the following memorials, to wit— A memorial, asking a donation of Land to every actual settler on the Western border of this Territory;— & also a memorial, praying for an appropriation to remove the raft on Red River;— and also the following Bills, to wit: A Bill, entitled an act to build a bridge across the Coffee tot." A Bill, to be entitled an act supplementary to an act to establish County Courts." A Bill, to be entitled an act regulating the proceedings of the Commissioners of the Court House & Jail of the County of Lawrence." "A Bill concerning appeals from Justices of the Peace." A bill, to be entitled an act to punish slaves guilty of the crime of Larceny." "A bill, entitled an act for the purpose of building a jail in the County of Jefferson.

Mr. Judkins asked leave of absence on account of indisposition;— which was granted.

Mr. Pickelin, from the Committee on Memorials, offered the following Report;— which was accepted.

The Committee for memorials to whom was referred sundry resolutions of the Legislative Council, according to instructions have had the same in part under consideration, and beg leave to submit the following as their opinion, in relation to the subjects generally to them referred.— It appears to your

Committee, that from the multiplicity of references to them re-
ferred, as also the number of members assigned to said committee,
that a majority of said committee are at this time disposed to
memorialize the general government on ale and every subject
referred to them, therefore your Committee, in Committee, have
passed the following resolution, to wit. The gentlemen who
have made a introduced references to the committee on Memo-
rials, be and they are hereby permitted to introduce the me-
morial drafted setting forth their claims to the Legislative
Council for their adoption or rejection, as a majority of the
Legislative Council may deem most expedient upon investi-
gation. And also your Committee, taking into considera-
tion the fact, that a majority of the whole number of the
members of the Legislative Council are, at this time, mem-
bers of said Committee. Each one having his favorite ob-
ject in view, it is not likely that one single reference will
be rejected by said Committee. With this view of the
subject, your committee beg leave to recommend for the con-
sideration of the Legislative Council, the following, as being
among the most important subjects referred to them, - to wit:
The removal of the U. States' troops from Cantonment Gib-
son, to the Western boundary line of this Territory. The re-
duction of the price of the public Lands. The completion
of the Memphis & Little Rock road. The completion of
the road from Big Red River to the Missouri State line. The
opening a road from Jackson to Fort Smith. Digesting
the laws of the Territory. The erecting of a Penitentiary,
and your committee ask leave to be discharged from the
~~matters and things~~ further consideration of the matters &
things heretofore referred to them.

Mr. Ficklin, from the joint committee appointed by the
Legislative Council, to act with the Committee raised on the part
of the House of Representatives, to receive the bond of Wm E Instead

for the faithful performance of the Public Printing, beg leave to offer the following Report: That they have received the bond of William E. Woodruff, with security, which is herewith transmitted.

On motion of Mr. Ficklin, it was Resolved, That the Legislative Council have received the Bond of Wm. Woodruff with his security, and have approved the same, and request the concurrence of the House of Representatives, with an order that the Chairman of the Joint Committee be instructed to deposit the bond in the office of the Secretary of the Territory, and report the same to their respective Houses, — which bond and documents were accordingly transmitted to the House.

A message was received from the House, by Mr. Thurmond: Mr. President: I am instructed to inform your Honorable body, that the House of Representatives have passed the Bill, from the Council, entitled "An act to divide Crittenden County," with the following amendment "An act to create and establish the county of Mississippi," and ask the concurrence of the Council in the amendment.

Mr. Bonnell presented a memorial, praying the Congress of the United States for an appropriation for the purpose of cutting a mail road from Batesville, Independence County, to intersect the national road from Jackson, Lawrence County, via Little Rock, to Washington, in Hempstead County, in said Territory, ~~which was referred~~ which was read the first time.

On motion of Mr. Bonnell, the Legislative Council dispensed with the rules, and the Bill & memorial passed to its second and third reading, & passed; and was sent to the House, for concurrence.

Mr. Thornton presented a memorial, praying the Congress of the United States for an appropriation to open a road from Cove a Fabre, on the Ouachita River, to the Hot Springs, which was read the first time

On motion of Mr. Thompson, the rules of the Council were dispensed with, & the memorial ordered to its second and third reading, and passed, and was sent to the House of Representatives, for concurrence.

Mr. Alexander presented a memorial for applying the Congress of the United States, for an appropriation for the purpose of surveying & removing the obstructions in White and St. Francis Rivers, which was read the first time.

And, on motion of Mr. Alexander, the rules of the House were dispensed with, and the memorial ordered to its second and third reading, and passed, and sent to the House of Representatives, for concurrence.

On motion of Mr. Elliott, the Legislative Council agreed to the amendment proposed by the House of Representatives, on the Bill to divide Crittenden County.

A message from the House of Representatives, by Mr. Garrett:

Mr. President — I am instructed to inform your Honorable body, that the House of Representatives have passed a Bill to erect & establish the County of Scott, which is herewith transmitted, for the concurrence of the Legislative Council,

Mr. Sidwell offered the following Resolution:

Resolved, That the committee on memorials be instructed to inquire into the expediency of memorializing Congress on the subject of granting to each settler on the public lands the privilege of entering forty acres and paying for the same in two equal instalments, — which was rejected.

The Bill, from the House of Representatives, entitled "an act to define and designate the western boundary line of Conway and the eastern boundary of Pope," was read the first time, and,

On Motion Mr. Williamson moved that the bill be laid on the table until the 15th day of July inst. — The yeas & nays being called for, those who voted in the affirmative, were — Messrs Anderson, Alexander, Bonnell, Brain, Clark, Calhoun, Caldwell, Elliott, Ficklin, Farrelly, Jones, McKean, Sinclair, Smith, Thompson, Sidwell and Mr. President — 17. Those who voted in the negative, were — Messrs. Duty, Kuykendall, Wolf — 3.

The Engrossed Bill, from the House of Representatives, entitled "An Act compelling the Treasurer of Hempstead County to pay over one eighth part of the amount of monies in the Territory Treasury, or that was due the Treasury of said County, on the 22nd day of Oct. 1828," was read the first time, and ordered to a second reading to morrow.

The Engrossed bill, from the House of Representatives, entitled "An Act supplementary to an act entitled an act permanently to locate the seat of Justice of County Court by the County of Chicot," was read the first time, and, on motion, the rules of the Council were dispensed with, and the bill ordered to its second reading, and passed, and sent to the House of Representatives.

A Message from the House of Representatives by Mr. Bunt:

Mr. President — I am instructed to inform your Honorable body that the House of Representatives have agreed to the amendment of the Council, made to the Bill, entitled an act to dissolve the bonds of matrimony between Marina T. Cole, alias Marina T. Stuart, and James Cole, and also that the following bills has been introduced into the House of Representatives: "A Bill to be entitled an act to amend Acts regulating proceedings in suits at Common Law;" & also a Bill, entitled an act to be entitled in the Suits efsued in Arkansas Territory;

P

The engrossed Bill from the House of Representatives, entitled "An act supplementary to an act entitled An Act to locate the permanent seat of Justice in the county of Lafayette, was taken up and read the first time; and, P on motion of Mr. Duty, it was ordered to lie on the table until Tuesday next.

The engrossed Bill from the House of Representatives, entitled an act to authorize Justices of the Peace to appoint Constables in certain cases, was taken up & read the first time, & ordered to its second reading to morrow.

The Bill from the House of Representatives, entitled an Act for the relief of Benjamin F. Hawkins, Sheriff of Conway County, Conway Co. was taken up & read the first time, and ordered to its second reading.

A memorial from the House of Representatives, praying the Congress of the United States to make an appropriation for the purpose of opening a road from Dardanelle, Yell County, by way of Washington, Hempstead County, Cole's Talor, Union County, to Columbia, in Chicot County, which was read the first time. P On Motion of Mr Bean, the Rules were dispensed with, and the memorial passed ordered to its 2d & 3d reading, & passed, and was sent to the House of Representatives.

The engrossed Bill from the House of Representatives, entitled an act supplementary to the Law defining the crime of Maiming, was read the first time, & ordered to its second reading to-morrow.

The Bill from the House of Representatives, entitled "an act supplementary to an act, now in force for the collection of small debts," was read the first time, and ordered to a second Reading.

The engrossed Bill from the House of Representatives, entitled an act to repeal, in part, an Act entitled an act to authorize the

morals of the administrators on the estates of Joseph Lanes & Joseph Kaykendale, dec'd, to the Counties of Clark and Independence, approved 27th Oct, 1831, & for that purpose, was read the first time, & ordered to its second reading to morrow.

The engrossed Bill, from the House of Representatives, entitled An act to appoint commissioners & to levy a tax in the county of Jackson for the purpose of building a jail in said County.— Which was read the first time, and ordered to its second reading to morrow.

A memorial, from the House of Representatives, praying the Congress of the U. States for an appropriation for the survey & removal of obstructions in the Red River.— which was read the first time.— On motion of Mr. Bean, the Rules of the House were dispensed with, and the memorial read the second & third times, & passed.

A memorial, from the H. of Representatives, praying the Congress of the United States for an appropriation to open a road from Mannes, La, to Miller Court-House, Arkansas Territory, which was read the first time, & On motion, the rules of the Council were dispensed with, & the memorial ordered to its second & third reading, and passed

A Bill, from the House of Representatives, entitled an act to erect & establish the County of Scott, was read the first time, & ordered to its second reading.

The Bill, for the better selecting School Lands, provided for under an act of Congress 21st May, 1826, was read a second time, & committed to a Committee of the whole, and made the order of the day to-morrow.

The Bill for the protection of slaves from inhuman & cruel treatment by their masters, was read a second time, and on motion of Mr. Clark, was referred to a select committee, com-

sisting of Messrs. Clark, Smith & Sinclair.

The Bill, to be entitled an act to prevent certain persons from paying a Personal Tax & for other purposes, was read the second time; and, On motion of Mr. Jones was committed to a Committee of the Whole, & made the order of the day for to-morrow.

The Bill, entitled "An act supplementary to an act entitled an act permanently to locate the seat of Justice in Union County" was read the second time.— On motion of Mr. Farley, the Bill was amended by striking out the 2d, 3d and 4th, 5th and 6th Sections; and by inserting after the word "County" in the last line of the first section, "all the lines commencing with "and the commissioners" to the words "said County of Union;" which said amendment was agreed to.

On motion of Mr. Smith, the Bill was ordered to be engrossed, & read to morrow as its final passage.

A Message from the House of Representatives, by Mr Martin: Mr. President— I am instructed to inform your Honorable body, that the House of Representatives have appointed Messrs Martin, Roberts, Rutherford, Clark & Dixon, a joint committee, on their part, to act in conjunction with the committee on the part of the Council, on the Seminary Lands.

Mr. Thompson, according to notice previously given, introduced A Bill, to be entitled "An act to incorporate the Methodist Episcopal church & for other purposes," which was ordered to lie on the Table until to-morrow.

Mr. Smith, according to notice previously given, introduced a Bill to provide a mode for contesting elections— Ordered to lie on the Table until to morrow.

And the Council adjourned.

Thursday, Oct 24, th

The Council assembled.

Mr. Fackler, from the committee on Memorials introduced a memorial praying the Congress of the United States, for an appropriation to build a Penitentiary in Arkansas, which was read the first time, and ordered to its second reading. Allo

A memorial praying the Congress of the United States, for an appropriation to defray the expense of digesting the Laws of the Territory; which was read a first time. On motion of Mr. Boswell, the rules of the Council were dispensed with, and the memorial passed to its 2d and 3d reading, and passed, and was sent to the House of Representatives, for concurrence.

A message from the House of Representatives, by Mr. Hammond, to the President —

— I am instructed to inform your honorable body, that the House of Representatives have passed the following memorials, to wit: A memorial to the Congress of the United States, asking a reduction in the price of public Lands. A memorial for a road from Strong's via Litchfield, to Batesville. A memorial to the Congress of the United States to open a road from Jackson, in Lawrence County, to Fort Smith, which is herewith transmitted.

Mr. Bean, from the Committee on Memorials offered the following Report: The Joint Committee on the Seminary Lands to whom the Message of the Governor of the 22d Inst. with accompanying documents was referred, Report — That they have had the same under consideration, and are of opinion that it would be unwise and impolitic to make a sale of the twenty sections now advertised, at the present time. They therefore, have come to the agreement to recommend to the Legislative Council and House of Representatives, The

adoption of a resolution herewith submitted, and ask leave to be discharged from the further consideration of the subject.

Resolved that the Governor be requested to suspend the sale of the 20 Sections of Seminary Land, except so much of the same as may be necessary to defray the expenses already incurred in selecting &c; and that it is the opinion of the Legislative Council & House of Representatives, that the most advantageous sale that can be effected for the purpose of defraying the expenses would be to offer under the proclamation of the Governor, the nearest Section or Sections to Lit. le Rock, or so much of the same as may be necessary to pay said expenses, in forty acre tracts.

On motion, said message and resolution was ordered to lie on the table until Monday next.

Message from the House of Representatives by Mr. Clark,

Mr. President — I am instructed to inform your honorable body, that the House of Representatives have disagreed to the amendment made by the Legislative Council, to a memorial praying for a road from Jonesborough, in Miller County to Paraclifta, in Perier County, by Washington, in Hempstead County, and Cote a Fabre to Columbia, in Chicot County;" and that the House have appointed Messrs Clark, Sinnes & Thurmond a Committee of Conference, on the part of the House; and ask the appointment of a similar Committee on the part of the Legislative Council.

The Bill, entitled "an act providing a mode of contesting the the election of all officers, both civil and Military", was taken up and read, & ordered to its second reading.

A message from the H. of Representatives, by Mr. Rives.

Mr. President — I am instructed to inform your honorable body, that the House of Representatives have passed a memorial praying for an appropriation to remove the obstructions to White & St. Francis Rivers.

On motion of Mr. Fowler it was Resolved, That the

Council insist on the amendment made to the memorial sent from the House of Representatives praying the Congress of the U. States for an appropriation for opening a road from Jonesboro' in Miller County, via. Paraclifta, Washington & Cota Fabre to Columbia in Chicot County and that Messrs. Clark, McLean & Smith be appointed a Committee, on the part of the Council, to act with a the committee of Conference, on the part of the House, on that subject — P which was adopted.

A message from the House of Representatives, by Mr. Thurman — Mr. President — I am instructed to inform your honorable body, that the House have passed the memorial from the ~~House of Representatives~~ Legislative Council praying Congress for $25 000 for a road from Cota Fabre to Hot Springs,

Mr. Jones moved that the Council dissent from the decision of the Chair on a question of Order made on the Bill, entitled an act to repeal an act, supplementary to the Law regulating the manner of voting — P which motion was agreed to.

The Bill to incorporate the Methodist Episcopal church, was taken up & read, and ordered to its second reading.

On motion of Mr. McLean, the Bill, entitled an act to define the boundaries of Izard County, was taken up and read the 2nd time, P on motion of Mr. Calloway was ordered to lie on the Table until Monday next

Sig. 7. p. 49.

The Bill entitled an act to define the boundary lines of Hot-Spring, was taken up & read a second time; P and, on motion of Mr. Sinclair the Bill was ordered to lie on the table until Monday next

The Bill from the House of Representatives, entitled an Act Permanently to locate the seat of Justice of Washington County, and for

other purposes, was read the first time; When, on motion of Mr. Brain, the Bill was indefinitely postponed.

A Message from the House, by Mr. Dixon

Mr President— I am instructed to inform your Honorable body, that the House of Representatives have agreed to the resolution from the Council, in relation to the acceptance, and depositing the bond of William E. Wordruff, with the following amendment, to wit, In the 7th line strike out "Treasury," and insert "Territory;" and ask the concurrence of the Council— And also that a Memorial from the Council praying for an appropriation to pay for digesting the Laws of this Territory has passed the House of Representatives.

On motion of Mr. Bonnell, the Council then Resolved itself into Committee of the whole, on the Bill, entitled an act for the better selecting School Lands, provided for under an Act of Congress of 20th May, 1824, Mr. Alexander in the chair, and after some time spent therein, the committee rose, & the President having resumed the chair, Mr. Alexander reported, that the committee had, according to order, had under consideration said Bill, that they had gone through the same, and had instructed him to report the same with amendments.

On motion of Mr. Bonnell, the Bill was recommitted to a Select committee, consisting of Messrs. Bonnell, Jones & Duty

The engrossed Bill, to Locate the seat of Justice of Union County, was taken up & read a third time, and passed, and sent to the House of Representatives, for concurrence

Mr. Smith gave notice, that he would, on Saturday, next, introduce a Bill, to be entitled An act for the auditing grand jurors & witnesses' accounts for fees

On motion of Mr Jones, the Council then resolved itself into a Committee of the whole, Mr. McClean in the chair, on the Bill to exempt certain persons from paying a personal tax, and for other purposes; and after some time spent therein, the committee

vote; & the President Leaving resumed the chair.

Mr. McKean reported, that the Committee had, according to order, had said Bill under consideration, that they had gone through the same, and had, instructed him to report said Bill with sundry amendments. — And, on the question "Shall the amendment be adopted" — Mr. Boswell called for the ayes and noes, which were as follows, to wit:

Ayes — Messrs. Alexander, Calloway, Caldwell, Duty, Farnly, Jones, McKean, Sinclair, Smith, Thompson, Tidwell, Wolfe & Mr. President — 13.

Noes — Messrs. Boswell, ~~Brown~~ Clark & Moore — 3.

So the amendment was adopted

On motion, it was ordered that the Bill be engrossed, and read a third time to-morrow.

And the Council adjourned

Friday Oct. 25

The Council assembled.

A message from the House of Representatives, by Mr. Hanks

Mr. President — I am instructed to inform your Honorable body, that the following Bills have passed the House of Representatives, and are herewith transmitted for your concurrence, to wit: "A Bill, entitled an act to legitimatize the Children of Nicholas Doherty;" and a Bill, entitled an act to legitimatize the children of John Lafferty

Mr. Calloway introduced a Memorial, praying the Congress of the United States for an appropriation of $10,000, for opening a road from Cadd's Cove, to Fort Smith; which was read the first time, when Mr. Thompson moved to lay the Memorial on the table until July next. Mr. Clark called for the yeas & nays on the question, which were as follows:

Yeas. Messrs. Ruckles, Moore, Martin, Smith, Thompson & Tidwell — 6,

days. Messrs. Anderson, Alexander, Bozwell, Bean, Clark Calloway, Elliott, Farrelly, McClean, Sinclair, Wolf and Mr. President — 12. The amendment motion to lay the memorial on the Table was rejected.

Mr. Farrelly Moved to amend the memorial by striking out in the 13th line all the words after "the," to the word "Fort," and to insert in lieu thereof all the lines from "House of Adam Stroud" to the words "Caddo Cove," which amendment was adopted.

Mr. Caldwell presented a petition from sundry Citizens of Jefferson County, praying for the passage of a Law regulating Mills & Millers, which was referred to a select committee, consisting of Messrs Caldwell, Farrelly & Alexander.

The Memorial praying the Congress of the U. States to give to the assignees of the Original patentees of Military bounty Lands, the right to float their claims and locate other Lands, was taken up and read the second time - and on motion of Mr Elliott was ordered to lie on the table until Friday next -

The enrolled Bill from the House of Representatives, entitled, An act supplementary to an act defining the crime of maiming, was read a second time, And, on Motion of Mr. Farrelly, the second section was amended, and the Bill ordered to its 3d reading to-morrow

The Bill, from the House of Representatives, entitled an act for the relief of Benjamin F. Howard, Sheriff of Conway County, was read a second time, And, On Motion of Mr. Farrelly, was referred to the select Committee on the petition of Lafayette Jones

On motion of Mr. Thompson, the Bill, to change the mode of assessment and collecting the revenue of this Territory, was taken up, and referred to a select committee, consisting of Messrs Thompson

Sinclair, Fecklin, Scurlock & Clark.

The engrossed bill, from the House of Representatives, entitled an act to authorize Justices of the Peace to depatize Constables in certain cases," was read the second time, and, on motion of Mr Sinclair, was indefinitely postponed

Mr. Clark, from the Committee of Conference, submitted the following Report. The Committee of Conference, on the part of the Legislative Council, to whom was referred the memorial praying an appropriation to open a road from Jonesboro, the seat of Justice in Miller County, have met the Committee, on the part of the House of Representatives, and have agreed to recommend to both houses the following amendments, to wit: to strike out the word "to," in the 3d line of the amendment made by the Council, and to insert in lieu thereof, the words "by way of;" & to strike out the words "by way of" in the 8th line of said memorial. Which Report was adopted

The Bill, from the House of Representatives, entitled an Supplementary to the Law now in force for the collecting of County debts," was read the second time, ~~& ordered to its third reading to morrow~~

On motion of Mr. Fecklin, the Bill was amended, and ordered to its third Reading to morrow

A message from the House of Representatives, by Mr. Clark.

Mr. President.

I am instructed to inform your honorable body, that the House of Representatives have agreed to the report of the Committee of Conference, on a memorial to Congress praying an appropriation to open a road from Pania cliff to Columbia, the seat of Justice of Chicot County.

The engrossed Bill, from the House of Representatives, entitled an act compelling the Treasurer of Hempstead County, to pay over one-eighth part of the moneys in the Treasury, to Thos Ross the Treasurer of said County, on the 22d day

of October 1828" was read a second time.

On motion of Mr. Jackson, the Bill was amended by inserting the word "Treasury" in the title instead of "Territory" and the Bill was ordered to its third reading.

The engrossed Bill, from the House of Representatives, entitled An Act to repeal in part an act entitled an Act to authorize the removal of the administrations on the estate of Joseph Jones & Joseph Kay Kendall, deceased, to the counties of Clark and Independence, approved 27th Oct. 1831, and for other purposes, was read the second time.

Mr. Sinclair offered an amendment to said Bill, which was rejected, and the Bill ordered to its third reading to morrow

The engrossed Bill, from the House of Representatives, entitled An Act to appoint Commissioners and levy a tax on the County of Jackson for the purpose of building a jail in said County, was read the second time

On motion of Mr. Tidwell, the Bill was amended and ordered to its 3d reading to morrow

The Bill, from the House of Representatives, entitled an act to erect and establish the County of Scott, was read a second time. On motion of Mr. Sinclair, the Bill, was amended, and, on motion of Mr. Lavelly the bill was ordered to lie on the Table until to-morrow

~~And the Senate adjourned~~

Mr. Sinclair gave notice, that he would, on Monday next, ask leave to introduce a Bill to repeal an act approved 30th Oct. 1823, to prevent the selling of Spirituous Liquors to Soldiers of the United States armies

Mr. Wolf gave notice, that, on Monday next, he would ask leave to introduce a Bill to authorize the citizens of Carroll County to elect their County officers, and

for other purposes.

And the Council adjourned

Saturday Oct 21

The Council assembled

Mr. Jones presented the petition of John of Monroe County Maddox praying for divorce - which was referred to the Committee on Divorce and Alimony

Mr. Kuykendall from the Select Committee to whom was referred the Bill to erect and establish the county of Van Buren - Reported the referred Bill with an amendment. Which was read.

Mr. Bozwell moved an Amendment to the amendment which was rejected

A message from the House of Representatives by Mr Bent.

Mr. President

I am instructed to inform your Honorable body that the following Bills have passed the House of Representatives and are herewith sent for your concurrence. "A Bill for the relief of John Williams." "A Bill for the relief of the illegitimate children of John Ross." "A Bill supplementary to an act to establish County Courts" "A Bill entitled an act, regulating the proceedings of the Commissioners of the Court House and jail of Laurence." "A Bill entitled an act to cede in the Cherokee Nation in Arkansas County." "A Bill entitled an act to build a bridge across Copeiel"

Mr. Caldwell from the committee on Enrollments offered the following Report

The Joint Committee on Enrollments Report

that they have examined the following Act & Memorials & find the same to be correctly enrolled viz

An act to erect and establish the County of Mississippi

A Memorial to the Congress of the United States, praying for an appropriation of $20.000- for opening a road from Strongs in St. Francis County to Batesville via. Litchfield &c.

A memorial for a Road from Jackson, Lawrence County to Fort Smith

A memorial praying for an appropriation to defray the expense of digesting the Laws of Arkansas Territory

A memorial for a road from Cote a Fabre to the Hot Springs

Mr. Farrelly, who voted in the majority, when the question was taken on Mr. Bosmels motion to amend the amendment reported by the Committee on the Bill to erect and establish the County of Van Buren, moved to reconsider his vote- And the Bill was taken up

Mr. Bosmel then moved that the amendment be amended by adding after the words "rich woods" in the 18th line of the first section, all the words commencing with "or the line" to the words "said river" which was adopted

Mr. Farrelly moved to amend the 6th & 7th Sections of said Bill which amendments was adopted- and the Bill was ordered to be engrossed and read a third time on Tuesday next-

Mr. Caldwell On motion of Mr. Caldwell, Messrs. Fickelin and Martin was added to the select committee to whom was referred the petition of sundry citizens of Jefferson County, relative to Mills and Mill dus

A Message from the House of Representatives by Mr Shaw

Mr. President- I am instructed to inform your Honorable body that the House of Representatives have passed a memorial praying for an appropriation for the purpose of surveying the Ouachita river with an amendment, which memorial & amendment is herewith

transmitted for your concurrence

A message from the House of Representatives by Mr. Dixon

Mr President— I am instructed to inform your honorable body, that the following Bills originating in the Legislative Council, have passed the House of Representatives— "A Bill for the relief of S. P. Folkerson" "A Bill entitled an act for the purpose of building a Jail in the County of Jefferson"

On Motion of Mr Sinclair, the Bill from the House of Representatives, entitled an act to erect and establish the County of Scott, was taken up and read a second time

On motion of Mr Farrelly, the Bill was ordered to lie on the Table

Mr. Smith moved that the Council adjourn

The yeas and nays being called for on the motion for adjournment were as follows.— Yeas Messrs Alexander, Elliott, Ficklin Hudkins, Jones, Kuykendall, ~~Penn, Martin~~, Smith, Thompson Tedford & Mr President, 10

Nays Messrs. Anderson, Bonnell, Bean, Clark, Daty, Farrelly, Moore, Sinclair and Wolf— 9

And the Council adjourned

Monday Oct. 28.

The Council assembled.

Mr. Anderson presented a petition from sundry citizens of Adair County praying for an abolishment of the present County Court system

Mr. Jones presented a petition from sundry citizens of Monroe County, praying to be exempt from paying certain monies into the treasury of Phillips County— which was referred to a select Committee consisting of Messrs Jones, Moore, Bonnell & Tedford

Mr. Caldwell from the Joint Committee on Enrolements, presented the following Report

The Joint Committee on Enrollments Report. That they have examined the following bills and memorials and find the same to be correctly enrolled, (to wit) An act for the relief of J. C. P. Tolleson. An act for the purpose of building a jail in the County of Jefferson. A memorial praying an appropriation to remove the obstructions to the navigation of White & St. Francis Rivers. A memorial praying a reduction in the price of Public Lands, and that certain Lands be given up to the disposal of the Territory General Assembly. A memorial praying a reduction to the Congress of the United States praying an appropriation to open and establish a road from Jonesborough the seat of Justice of Miller County to Paraclifta the seat of Justice of the County of Sevier by way of Washington, Hempstead County & Cotea Falva, the seat of Justice of Union County to Columbia the seat of Justice of Chicot County

A memorial to the Congress of the United States, praying for an appropriation to open a mail road beginning at Mineral Post office La. on the military road leading from Natchitoches to Washington in the County of Hempstead, by Conway Post office, Ark. to Lafayette Post office, Lost Prairie Post Office, and to the Post office at Miller Court House. And an Act to dissolve the bonds of matrimony between Marina F. Cole, alias Marina F. Hunt and James Cole. And an Act supplementary to an act entitled an act entitled an act permanently to locate the seat of Justice of Chicot County. And also a memorial to the Congress of the United States praying an appropriation of $75.000 for the removal of the raft in Red River

Message from the House of Representatives by Mr Hillicks

Mr. President. I am instructed to inform you that the following Bills has been introduced into the House of Representatives - to wit A Bill to be entitled an act authorizing the redemption of Lands stricken off to the Territory for want of Bidders" and also they have passed a Bill entitled an act to dissolve the bonds of Matri-

mony between Elijah Caples and Elizabeth Caples, which is herewith transmitted for your Concurrence

Mr. Alexander from the Select Committee to whom was referred the petition of John Barnes, Reported a "A Bill to be entitled an act for the relief of John Barnes" which was read the first time and ordered to its second reading tomorrow

Mr Bosman gave notice that he would on to morrow introduce a Bill for the relief of the heirs of William Murphy

Mr Calloway gave notice that on Thursday next he would introduce a Bill concerning Grantees

gave notice that on Wednesday next he would

Mr. Emerson, ~~was~~ leave to introduce a Bill, to be entitled an "An Act supplementary to the several Laws in relation to Runaway Slaves

Mr. Caldwell from the Select committee to whom was referred the petition of Grace Taylor Reported a Bill for the relief of the minor heirs of Joseph Talin D'Bastrone" which was read the first time and ordered to its second reading

The Bill from the House of Representatives entitled an act to legitimatize the children of John L. Lafferty" was read a first time and ordered to its second reading

The Bill from the House of Representatives, entitled an act to legitimatize the children of Nicholas Doherty. was read the first time and ordered to its second reading

The engrossed Bill, from the House of Representatives. Entitled an act for the relief of the illegitimate children of William Ross was read the first time and ordered to its second reading

The engrossed Bill from the House of Representatives entitled

an act, supplementary to an act establishing County Courts"
was read the first time & ordered to its second reading

A message from the House of Representatives by Mr. Magness
Mr. President — I am instructed to inform your Honorable body
that a memorial to Congress praying an appropriation of $15.000 to
make a road from Helena to intersect the Memphis and Little
Rock road — and also a memorial for a road from Batesville
to Izard Court House by way of Pine Bayou and also a memori-
al to open a road from the mouth of Arkansas river to Mrs Blacks
and also a memorial for a road from Batesville through the
Richmonds settlement to intersect the road from Little Rock
to cantonment Gibson — have passed the House of Representatives
and are herewith transmitted for your Concurrence

The Bill from the House of Representatives, entitled "an act to
cede in the Seriff jurisdiction in Arkansas County" was read the first time
& ordered to its second reading

The Bill from the House of Representatives, entitled an Act regu-
lating the proceedings of the commissioners of the court House
and Jail of Lawrence County" was read the first time and or-
dered to its second reading

The Bill from the House of Representatives, entitled an Act
to build a bridge across the Cypress" was read the first time and
ordered to its second reading

The Amendment made by the House of Representatives to the
Memorial for an appropriation for the purpose of surveying the
Ouachita River, was concurred in by the Council & the Memorial
finally passed

The amendment made by the House of Representa-
tives to the Bill establishing the County of Carroll was concurred

in by the Councie & the Bill passed

The Bill from the House of Representatives entitled an act concerning appeals" was read the first time and ordered to its second reading

The Bill from the House of Representatives entitled an Act to dispose the bonds of Matrimony between Elijah Caples & Melinda Caples," was read the first time & ordered to its second reading

The engrossed Bill from the House of Representatives, entitled An Act to repeal an act requiring Sheriffs to expose Lands for Sale at no other time than during the sitting of the Circuit Court of their respective Counties" was read the first time & ordered to its second reading.

The memorial praying Congress to give to assignees of the original patentees of Military bounty Lands, the right to float their claims and locate other Lands, was taken up and read a third time

On motion of Mr. Farrelly the memorial was amended & passed & sent to the House of Representatives for concurrence

A message from the House of Representatives by Mr. Blust.

Mr. President I am instructed to inform your Honorable body that a Bill to erect and establish the county of Pike, has passed the House of Representatives & is now with transmitted to the Legislative Council

The Bill to be entitled an act providing the mode of contesting the elections of all officers both civil and military in this Territory was read a second time. On motion of Mr Smith, said Bill was committed to the Committee on Elections.

A message from the House of Representatives by Mr. Hudspeth

Mr. President I am instructed to inform your Honorable body that a Bill entitled "an act to erect & establish the county of Gruno" has passed the House of Representatives and is now with transmitted for the concurrence of the Legislative Council

The report of the Joint Committee on the Seminary Lands to whom was referred the Message of the governor of the 22d Inst. with accompanying documents — which had been ordered to lie on the table until to-day was taken up

On motion of Mr. Sinclair the Report was ordered to lie on the Table

The Bill entitled an act to define the boundary line of Scott County, was Read a third time & Passed & sent to the House of Representatives for concurrence

The Bill entitled an act to define the boundary lines of Hot Spring County" was taken up. P Mr. Farrelly moved an amendment to the first Section. P Mr. Thompson moved to lay the Bill on the Table until the 4th of July next. P which motion was rejected. P On motion of Mr. Sinclair, the Bill was ordered to lie on the Table, until to-morrow

The Memorial to Congress for a donation to build a Penitentiary, was read the second time. On motion of Mr. Bonnell, the rules of the Council was dispensed with, & the Memorial ordered to its third reading and passed, & sent to the House of Representatives, for concurrence. Ld

An act for the Bill, entitled an act to incorporate the Trustees of the Methodist Episcopal Church in the Territory of Arkansas for the purposes therein mentioned, was read a second time, and, on P Motion of Mr. Thompson, was committed to a select committee consisting of Messrs. Thompson, Farrelly, Ingle & Fackler.

The engrossed Bill from the House of Representatives, entitled "An act to repeal, in part, an act entitled an act to authorize the removal of the administrations on the estates of Joseph Lane & Joseph Kingsbindall, deceased, to the counties of Clark and Independence, approved 27th October, 1831, and for other purposes," was read a third time, and passed, & sent to the House of Representatives.

The engrossed Bill, from the House of Representatives, entitled "An Act to appoint Commissioners to levy a tax in the county of Jackson, for the purpose of building a jail in said County," was read a third time, and passed; and sent to the House of Representatives.

The Bill, from the House of Representatives, entitled "An Act supplementary to the Law now in force for the collecting of small debts," was read a third time, & passed, and sent to the House of Representatives.

The engrossed Bill, from the House of Representatives, entitled "An Act compelling the Treasurer of Hempstead County to pay over one eighth part of the amount of monies in the Treasury, or that was in the Treasury of said County, on the 22d day of October, 1828," was read a third time, & passed, and sent to the House of Representatives.

The Engrossed memorial, praying for a road from Adam Strand's to Fort Smith, was read a third time, & passed, and sent to the House of Representatives, for concurrence.

The engrossed Bill, "An Act to exempt certain persons from paying a personal Tax, and for other purposes" was taken up.

Mr. Thompson moved to amend the Bill by inserting after the word "Law" in the 10th line, the words "and one horse and three head of Cattle shall be exempt from execution." The yeas and nays being called for, on said amendment, was as follows: (Sig. 8, p. 57.)

Yeas—Messrs. Calaway, Daly, McClean & Thompson—4.

Nays—Messrs. Alexander, Bonner, Bean, Clark, Caldwell, Elliott, Fichlin, Farrelly, Judkins, Jones, Kuykendall, Moore, Martin, Sinclair, Smith, Tidwell, Wolf & Mr. President—18. The motion was rejected. Mr. Bonner moved that the Bill be indefinitely postponed. The yeas & nays being called for, was as follows,

Yeas—Messrs Bonner, Clark, Elliott, Fichlin, Judkins, Kuykendall, Moore, & Martin 8.

Nays—Messrs, Alexander, Bean Calaway, Caldwell, Daly, Jones,

Kelly. Jones. McKean. Sinclair. Smith. Thompson. Tidwell. & Wolf & Mr. President — 14

The question then recurred on the final passage of the Bill — which it passed & was sent to the House of Representatives for concurrence.

A Message from the House of Representatives by Mr Rathford: Mr. President. I am instructed to inform your Honorable Body, that the Bill, to be entitled an act to dissolve the bonds of matrimony between certain persons hereinafter mentioned, has passed the House of Representatives with the following amendment; strike out the title & insert the following, to wit. "An act to divorce certain persons" & ask the Concurrence of the Legislative Council. And also that the House of Representatives have passed the following Bills, to wit. "An Act supplementary to the several Laws now in force, defining the powers and duties of Justices of the Peace." And also "An act to dissolve the bonds of matrimony between Wm. D. Barnett & Elizabeth Barnett" which are herewith sent, for your concurrence

The Bill from the House of Representatives, entitled an act for the establishment of the County of Scott, was taken up.

Mr Williamson offered an amendment, which was rejected

Mr. Smith moved to amend the Bill by striking out the word "Scott" from the title, & inserting in lieu thereof the word "Madison"

Mr. Sinclair called for the yeas and nays, which were as follows.

Yeas. Messrs. Alexander, Elliott, Ficklin, Jones, Kuykendall, Martin, Smith, Thompson & Tidwell. 9 —

Nays — Messrs Boswell, Bean, Black, Calloway, Daly, Farrelly, Judkins, Moore, McKean, Sinclair, Wolf & Mr. President — 12.

The amendment was lost —

Mr. Thompson moved to insert the word "Pinckle" before the word Scott, which was rejected

Mr. Williamson moved an amendment, by striking out the words "on this" wherever they might occur in the Bill, & inserting in lieu thereof the words "on the 4th" which amendment was adopted

The question then recurred upon the final passage of the Bill when it was read a third time, & passed, & sent to the House of Representatives, for concurrence

The engrossed Bill, from the House of Representatives, entitled "an act supplementary to the Law defining the crime of maiming," was read a third time, and passed, by its Title aforesaid striking out the words "A Bill to be entitled;" & sent to the House, for concurrence.

Mr. Wolf, agreeably to notice previously given, introduced a Bill to authorize the Election of Officers in the County of Carroll, & for other purposes; which was read the first time, and ordered to its second reading.

Mr Sinclair, agreeably to notice previously given, introduced a Bill, to be entitled "an act to repeal An act approved the 30th Oct. 1823. which was read the first time & ordered to a second reading

Mr. Smith, agreeably to notice previously given, introduced a Bill, to be entitled an Act providing for the collecting of arrearages and notes &c accounts;" which was read the first time, and ordered to its second reading.

Mr Bonsall offered the following resolution, which was adopted — Resolved That hereafter the hour of meeting of the Legislative Council, shall be 9 O'clock A M.

Mr. Tarbell gave notice, that, to-morrow, he would introduce a resolution defining the regular orders of business.

Mr. Jones rose to make known to Mr Chairman a petition presented by himself from John Maddox, praying for divorce — as the petitioner was absent; — which was granted.

And the Council adjourned

Tuesday Oct. 29

The Council assembled

Mr. Bozwell from the Select committee to whom was referred the Bill for the better selection of School Lands, Reports that the Committee have had the same under consideration and beg leave to report the same without amendment

On motion of Mr. Boswell the Bill was ordered to be engrossed and read the third time to-morrow

Mr. Boswell agreeably to notice previously given, introduced a Bill for the relief of the legal heirs of William Murphy which was read a first time & ordered to its second reading

Mr. Elliott asked leave to introduce a Bill for the reclamation to be entitled An Act providing for the reclamation of Lands stolen off to the Territory for non payment of Taxes- which was read the first time and ordered to its second reading.

Mr. Fichlin asked & obtained leave to introduce a Bill to regulate proceedings in Chancery which was read the first time

Mr. Fichlin moved that the Bill be printed. On motion of Mr Smith the yeas & nays were called for on the question, shall the Bill be printed - which resulted in the affirmative as follows

Yeas. Messrs. Anderson, Alexander, Elliott, Fichlin, Landers, Jones, Muyskendale, Martin, McKean, Smith, Thompson, Tidwell & Mr. President- 13

Nays. Messrs. Bozwell. Bean. Clark Calloway, Calhoun, Duty, Farrelly, Moore, Sinclair and Wolf- 10

Mr. Fichlin moved that 75 copies of the Bill be printed which motion was lost

Mr Farrelly moved that 50 copies be printed which was agreed to

A message from the House of Representatives by Mr. Whitson

Mr. President— I am instructed to inform your Honorable body that the House of Representatives have passed the following memorials from the Legislative Council to wit. "A memorial to Congress praying for a road from Adam Stroud's to Fort Smith" with the following amendment to wit. to strike out the words "Adam Stroud's" and insert the words "Greenville, Clark County Road" and ask your concurrence in the amendment. Also "A memorial praying Congress to give to the assignees of the original patentees of Military bounty lands, the right to float their claims and locate other lands" and also that the House has passed a Bill to define the boundary lines of Sevier County with an amendment by striking out the word "states" in the 11th line of the first section, and ask the concurrence of the Council in the amendment. And also that the House has agreed to the amendments made by the Legislative Council to the following Bills to wit "An act to erect & establish the county of Scott" "An act to appoint commissioners to levy a tax in the county of Jackson for the purpose of building a jail in said county" and also "An act supplementary to the Law now in force for the collection of small debts" and also "An act compelling the Treasurer of Hempstead County to pay over one eighth part of the monies in the Treasury, or that was due the Treasury of said County on the 22nd day of October 1828" and also "a Bill to be entitled an act supplementary to the law now in force defining the crime of maiming

The Engrossed Bill from the House of Representatives entitled an act to erect and establish the county of Greene was read the first time & ordered to a second reading

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A message from the House of Representatives by Mr. Martin

Mr President— I am instructed to inform your Honorable body that the House of Representatives have appointed Messrs Martin

Rutherford, Clark, Hudspeth & Tucker, to compose a Committee on their part, to act in conjunction with such Committee as may be appointed on the part of the Legislative Council to examine a Digest of the Laws of this Territory, which has been prepared by Mr. McCampbell of Independence County, and which is now ready for the press. & I am instructed to ask the concurrence of the Legislative Council.

On motion of Mr. Sinclair, the Council concurred in the resolution of the House of Representatives, relative to digesting the Laws and Messrs. Sinclair, Ficklin, Moore, Elliott & Watkins were appointed a committee on the part of the Council and the House of Representatives informed thereof

The Council agreed to Concur in the amendment made by the House of Representatives to the amendment of the title of the Bill entitled an act to dissolve the bonds of matrimony between certain Persons.

The engrossed Bill from the House of Representatives, entitled an act to dissolve the bonds of matrimony, between Elizabeth Barnett & William D. Barnett, was read the first time & the rules of the Council being dispensed with, the Bill was read a second & third time & passed & sent to the House of Representatives

The Bill from the House of Representatives, entitled an act to dissolve the bonds of Matrimony between Elijah Copeland & Melinda Copeland, was read the first time. On motion of Mr. Farrelly the rules of the Council were dispensed with & the Bill ordered to its second and third Reading & passed & sent to the House of Representatives

The Bill from the House of Representatives, entitled an act supplementary to the several Laws now in force defining & regulating the powers & duties of Justices of the Peace, which was read the first time & ordered to a second reading

The Memorial from the House of Representatives, praying Congress for an appropriation for a Road from Batesville to Izard Court House by Pine Bayou, was read the first time On motion the rules of the Council was dispensed with and the Memorial ordered to its second & third reading & passed & sent to the House of Representatives

The Memorial from the House of Representatives, praying Congress to open a road from the mouth of Arkansas to Mrs Blacks was read the first time. And on motion the Rules of the Council was dispensed with & the memorial ordered to its second and third reading & passed & sent to the House of Representatives

The Memorial from the House of Representatives, praying for an appropriation to open a Road from Helena to intersect the Memphis & Little Rock road — was read the first time and on motion the Rules of the Council was dispensed with and the Memorial ordered to its second & third reading & passed and sent to the House of Representatives

The memorial from the House of Representatives, praying Congress for a road from Batesville through the Reid woods Settlement, to intersect the road from Little Rock to Cantonment Gibson, was read the first time and on Motion the rules of the Council was dispensed with & the memorial ordered to its second & third reading & passed & sent to the House of Representatives

A Message from the House of Representatives by Mr Roberts Mr. President — I am instructed to inform your Honorable body that the following Bills have been introduced into the House of Representatives to wit: "A Bill entitled An act to authorize the removal of the administration on the estate of Isaac Pennington & others & Johnston dec'd from the county of Union to the county of Jefferson" "A Bill entitled an act amendatory & explanatory of the act entitled an act to define in part the duties of Sheriffs & Constables & for other purposes passed Nov 2 1831" "A Bill to be entitled an act supplementary to

"An Act establishing the Office of Prosecuting attorney" "A Bill to be entitled an act to authorize the administrator on the estate of John S. M. Cracken dec'd to the County of Pulaski" "A Bill to be entitled An Act supplementary to the several Laws now in force regulating the mode of taking the Territorial Census" An act to attach and establish the Southern Boundary line of the County of Izard" "A Bill to be entitled an act to permit John McElhany to sell Dry & peddle merchandize in this Territory" and also a memorial praying Congress to make an appropriation of $15.000 for the repair of the Road from the Mississippi line by Jackson, Little Rock & Washington in Hempstead County to the Southern boundary line of Arkansas

The engrossed Bill from the House of Representatives, entitled An Act supplementary to an act entitled an act to locate permanently the Seat of Justice of the County of Lafayette, was read a 2d time and ordered to a third Reading

The engrossed Bill to establish the County of Van Buren was read a third time & passed & sent to the House of Representatives for concurrence

Mr. Farrelly agreeably to notice previously given introduced the following Resolution, which was adopted

Resolved That hereafter the regular order of business in the Legislative Council shall be as follows. 1st Petitions, 2d Reports from Committees. 3d resolutions. 4th Bills from the House of Representatives. First reading. Bills on second reading. Orders of the day. But the Council shall not go into Committee of the Whole on any Bill, neither shall any Bill be put on its final passage before 11 Oclock. in the forenoon & committees on leave of the Council shall be permitted to sit at any time between the hours of Meeting & 11 Oclock & this rule shall not be suspended or dispensed with only by Resolutions, notice of which shall be given one day previous

A message from the House of Representatives by Mr. Clark
Mr. President I am instructed to inform your Honorable body that the House of Representatives have passed a memorial praying a donation of Land to settlers on the Western frontier which is herewith transmitted for your concurrence

On Motion of Mr. Farrelly, the report of the Committee on Seminary Lands was taken up. Mr. Farrelly moved to amend the resolution by inserting "and that in the opinion of the Legislative Council & House of Representatives the charges for selecting said Lands are too high & should be reduced

Mr Ticklin moved to amend the amendment by inserting the words "charge of Chas Rector" after the word "the" and by striking out the word "charges" and by inserting the word "is" instead of "are" which amendment was adopted

Mr. Bean offered the following resolution which was adopted
Resolved that no new bills be introduced into the Council after Wednesday the 15th day of November next - and that we ask the concurrence of the Council House of Representatives thereto

Mr. Smith gave notice that he would on to morrow ask leave to introduce a Bill to be entitled an act supplementary to the revised Laws of this Territory

Mr. Moore introduced a memorial, praying Congress for the establishment of a Land office in the eastern part of this Territory which was read the first time On motion the rules of the Council was dispensed with, and the memorial read a second time

On motion of Mr. Farrelly the memorial was amended & ordered to be engrossed & read a third time to morrow

Mr. Smith gave notice that he would on to morrow ask leave to introduce a Bill to be entitled an act for the relief of the heirs of Benjamin Cooper deceased

Mr. Farrelly, who voted in the affirmative when Mr Ficklins amendment to the Report of the committee on Seminary Lands, moved to reconsider his vote, which was agreed to by the Council

On motion of Mr. Thomison, Major Rector was admitted within the Bar of the Council to make a statement as to the trouble and expences he had incurred in selecting the Seminary Lands.

On motion of Mr Farrelly the amendment offered by Mr. Ficklin. And adopted, was stricken out.

The question then recurred on the adoption of the resolution as amended by Mr. Farrelly - The yeas & nays being called it was decided in the negative as follows

Yeas. Messrs Alexander. Boone. Bean, Caldwell. Duty, Farrelly, Sinclair & Wolf. 8.

Nays. Messrs. Ficklin, Jones, Moore, Martin, Smith Thompson Tedwell & Mr President. 8

Which upon motion of Mr. Farrelly the original report was adopted

And the Council adjourned

Wednesday Oct 30

The Council assembled

Mr. Jones presented a petition from Joseph Murphy Esr. of Pulaski County, praying for Divorce, which was referred to the Committee on Divorce & Alimony

Mr. Wolf from the Committee on Elections, reported a Bill Changing the manner of voting &c which was read the first time & ordered to its second reading

Mr. Clark from the Committee on memorials reported

a Memorial praying the President of the United States, to cause one company of the United States dragoons to be stationed at or near Fort Towson as a protection to the Southern Frontier, which was read the first time - On motion, the rules of the Council were dispensed with & the memorial was ordered to its second & third reading, and passed, and sent to the House of Representatives for concurrence

Mr. Caldwell from the Committee on Enrollments submitted the following Report. The Joint Committee on Enrollments report that they have examined the following memorials and acts, and have found the same to be correctly enrolled, to wit A memorial for an appropriation to remove the obstructions to the navigation of the Cwachita. A memorial for an appropriation to pay the expenses of Digesting the Laws of the Territory. A memorial praying Congress to give to assignees of the original Patentees of military bounty lands the right to float their claims and locate other Lands. and An act supplementary to an Act entitled an Act, permanently to locate the seat of Justice in Union County - An Act to Divorce certain persons. An Act to erect & establish the county of Pike - and an Act to erect & establish the County of Carroll

Mr. Smith from the committee on Elections to whom was referred the Bill to provide a mode of ~~contesting~~ contesting the Election of all officers both civil & military in this Territory" reported the same with an amendment, which was adopted.

Mr Farrelly moved an amendment to the Bill which was adopted & the Bill was ordered to be engrossed and read a third time to morrow

Mr. Thompson gave notice, that on Monday next he would ask leave to introduce a Bill to suspend the civil proceedings on Sabbath breaking

Mr Meeting gave notice that on Friday next he would

ask leave to introduce a bill to be entitled an Act to incorporate the Town of the County of Little Rock

Mr. Martin presented a petition from John H Taylor Sheriff of Pulaski County, which was referred to a select committee consisting of Messrs Martin, Wolf and Alexander

A message from the House of Representatives by Mr Tucker Mr. President I am instructed to inform your Honorable body that the House of Representatives have agreed to the report of the Joint Committee on Seminary Lands & also that they have agreed to the resolution from the council, saying that no bills or memorials shall be received after Wednesday the 6th day of November next. with the following amendment, to wit. in the first line after the word "into" strike out the word "this" & insert the word "either" & ask the concurrence of the Legislative Council —

On motion of Mr Bean the council concurred in the amendment proposed by the House

Mr. Anderson presented the petition of sundry citizens of the county of Chicot praying that the system of the County Courts may be changed — which was referred to the Committee on the County Courts

Mr. Anderson, agreeably to notice previously given, introduced a Bill entitled An Act supplementary to the several laws in relation to runaway Slaves which was read the first time and ordered to a second reading

The Memorials from the House of Representatives praying Congress for a donation of Land to settlers on the Cherokee purchase, was read the first time. On motion the Rules of the Council were suspended with & the memorial ordered to its second & third reading and passed & sent to the House of Representatives

The Bill from the House of Representatives entitled an Act to legitimatize the children of Nicholas Doherty, was read the second time & ordered to its 3d reading

The Engrossed Bill from the House of Representatives, entitled an act to repeal an Act regulating Sheriffs to expose Lands sold at no other time than during the sitting of the Circuit Court of their respective Counties, was read a second time — When upon motion of Mr Smith it was committed to a select committee, consisting of Messrs Smith, Martin, Sinclair, Clark & Elliott

A message from the House of Representatives by Mr Garrett Mr President I am instructed to inform your Honorable body that the House of Representatives have passed "An act authorizing the heirs of Christian Pringle to sell Lands in Arkansas County" which is herewith transmitted for your concurrence — and they have also passed the following memorial to wit A memorial praying an appropriation to repair the United States road from the Mississippi line to the Southern boundary of the Territory" which is herewith transmitted for the concurrence of the Legislative Council

The Bill from the House of Representatives, entitled an Act concerning appeals, was read a second time On motion of Mr Thompson the Bill was ordered to lie on the table until the fourth of July next

The Bill entitled an Act to authorize the heirs of Joseph Valcur D'hauteres to sell Lands in Louisiana was read the second time. On motion of Mr. Farrelly, the rules of the Council was dispensed with & the Bill ordered to its third reading and passed & sent to the House of Representatives for Concurrence

The Bill from the House of Representatives entitled an act to build a bridge across the Capitol, was read a second time — On motion, the rules of the Council was dispensed with and the Bill ordered to its third reading & passed & sent to the House of Representatives

The Bill from the House of Representatives entitled an act regulating the proceedings of the commissioners of the County Roads & Levies of Lawrence, was read a second time — On motion

the rules of the Council was dispensed with & the Bill ordered to its third reading & passed & sent to the House of Representatives

The Bill from the House of Representatives, entitled an Act to cede in the Keys issued in Arkansas County was read a second time. On motion, the Rules of the Council was dispensed with & the Bill ordered to its third reading & passed & sent to the House of Representatives.

The Bill from the House of Representatives entitled an Act for the relief of John Williams of Phillips County was read the second time. Mr. Thompson moved an amendment to the Bill which was rejected. Mr Elliott moved an amendment which was adopted & the Bill was ordered to its third reading to-morrow

Sig. 9. p. 65

The Bill from the House of Representatives, entitled an Act for the relief of the illegitimate children of William Robb was read a second time On motion of Mr. Bonner the rules of the Council was dispensed with & the Bill ordered to its 3d reading and passed & sent to the House of Representatives

The Bill from the House of Representatives, entitled an Act to legitimatize the children of John L Lafferty, was read the 2d time. On motion of Mr Bonner the rules of the House was dispensed with & the Bill ordered to its 3d reading & passed and sent to the House of Representatives.

The Bill from the House of Representatives, entitled an Act supplementary to an Act establishing County Courts was read the second time. On motion of Mr. Bonner the Bill was referred to the Select Committee on County Courts

The Bill to be entitled an Act to authorize the election of officers in the County of Carroll & for other purposes was read a 2d time

Mr. Wolf offered an amendment to the Bill which was adopted & the Bill ordered to be engrossed & read a third time to-morrow

A Message from the House by Mr. Hudspeth

Mr. President— I am instructed to inform your honorable body, that the House of Representatives have passed a memorial from the Legislative Council, praying Congress for a donation to build a Penitentiary in Arkansas, which is herewith returned

The engrossed Bill from the House of Representatives, entitled an Act to erect & establish the county of Greene, was read a second time— On motion of Mr Ficklin, the Bill was ordered to lie on the table

The Bill from the House of Representatives entitled An Act supplementary to the several Laws now in force, defining the powers & duties of Justices of the Peace, was read a second time. Mr. Sinclair moved that the Bill be postponed to a day beyond the Session. Mr. Thompson called for the yeas and nays on the question, which was decided in the affirmative as follows.

Yeas Messrs. Anderson, Alexander, Bean, Bonnell, Clark Calloway, Elliott, Ficklin, Farrelly, Ladkins, Jones, Runsdales, Mouse, Martin, Sinclair, Sedwick, Wolf & Mr President 18

Nays. Messrs Smith & Thompson 2

The Bill for the relief of the Legal heirs of William Murphy was read a second time On motion of Mr Bean, the rules of the Council were dispensed with, and the bill ordered to its second & third reading & passed & sent to the House of Representatives for concurrence

The Bill entitled "An act providing for the reclamation of Lands stricken off to the Territory for non payment of Taxes, was read the second time & ordered to lie on the Table

The Bill to be entitled "An act providing for the auditing and Liquidating accounts for fees, was read a second time Mr Bonnell moved the indefinite postponement of the Bill

Mr. Smith called for the Yeas & nays on the question, Which was decided in the negative as follows

Yeas. Messrs Bonnell, Calloway, Sinclair – 3

Nays. Messrs. Alexander, Bean, Clark, Ficklin, Farrelly, Sowell, Moore, Martin, Smith, Thompson, Sidwell & Mr. President. 13

On motion of Mr. Smith the Bill was ordered to lie on the table.

Mr. Smith, agreeably to notice previously given, introduced a Bill to be entitled an Act supplementary to the revenue laws of this Territory, which was ordered to lie on the table

And the Council adjourned

Thursday, Oct. 31 1833

The Council assembled

Mr. Caldwell from the joint Committee on Enrollments submitted the following Report.

The Joint Committee on Enrollments Report, that they have examined the following acts and find the same to be correctly enrolled to wit. "An act supplementary to the laws defining the crime of maiming" "An act to repeal an act entitled an act to authorize the removal of the administrations on the estates of Josiah Lane & Josiah Mayfield dec'd to the counties of Clark & Jefferson, approved 27th Oct 1831 and for other purposes" "An act supplementary to the Laws now in force for the collection of small debts" "An act compelling the Treasurer of Crawford County to pay over one eighth part of the amount of Monies in the Treasury, or that may due the Treasury of said County on the 22 day of October 1828" "An act to appoint commissioners & levy a Tax in the County of Jackson for the purpose of building a

Jail in said County."

Mr. Ficklin from the Joint Committee appointed to receive and file the Bond of William E. Woodruff Public Printer Reported that said committee had filed the Bond in the Secretary's office agreeably to instructions

Mr Bosorth from the select committee to whom was referred the bills &c. concerning County Courts Reported the same with amendments— Which was read & on motion of Mr. Bosorth was committed to a Committee of the whole & made the order of the day for to morrow

Mr Jones From the select committee to whom was referred the petition of sundry citizens of Monroe County, praying an abolition of the debt due from the County of ~~Phillips~~ Monroe to the County of Phillips Reported the following Bill "A Bill to be entitled an Act to repeal an act to apportion the debt due by the county of Phillips, between the counties of Phillips & Monroe— Which was read the first time & ordered to a second reading

Mr Trotter introduced a memorial praying Congress for an amelioration of the laws in force respecting Land Sales & the entering of Land &c. Which was read the first time. On motion of Mr. Trotter, the rules of the Council was dispensed with and the memorial was read the second & third reading & passed and sent to the House of Representatives for concurrence

The Bill from the House of Representatives Entitled an act to authorize the heirs of Christian Pringle to sell Lands in St Francis County, which was read the first time & ordered to its second reading

A message from the House of Representatives by Mr Magness Mr. President— I am instructed to inform your Honorable body that the House of Representatives has passed a memorial from the

Council to wit A memorial for a road from Batesville to intersect the national road from Jackson via Little Rock to Washington" with sundry amendments, which are herewith transmitted for your concurrence in the said amendments

On motion of Mr Bonner the Legislative Council concurred in said Amendments

The Memorial from the House of Representatives praying Congress to make an appropriation to repair the United States road from the Missouri line to the Southern boundary of the Territory which was read the first time. On motion of Mr Sinclair the rules of the Council were dispensed with & the Memorial ordered to its second & third readings & passed & sent to the House of Representatives.

Mr McKean asked leave of absence to day - which was granted

Mr. Calloway introduced a Memorial praying Congress for a road from the Hot Springs to run near the Caddo Cove to the Chocktaw line, on the direction to Fort Towson to the Western line of this Territory - which was read the first time. On motion of Mr Calloway the rules of the council were dispensed with and the memorial ordered to its 2d & 3d reading & passed & sent to the House of Representatives for Concurrence

The Bill to change the mode of voting at Elections in this Territory, was read a second time & on motion of Mr Wolf was Committed to a committee of the Whole & made the order of the day for to-morrow

The Bill entitled an Act supplementary to the several Laws in relation to runaway Slaves was read a second time and On motion of Mr Anderson was committed to a committee of the Whole & made the order of the day for to-morrow

The Bill to be entitled an act supplementary to the several Laws of this Territory, was read a first time & ordered to its

second reading

The Bill from the House of Representatives, entitled an Act for the relief of John Williams, was read the third time & passed & sent to the House of Representatives

The Bill from the House of Representatives, entitled an Act to legitimatize the children of Nicholas Doherty - was read a third time & passed & sent to the House of Representatives.

The Bill entitled an Act for the relief of John Barnes, was read the second time. On motion of Mr. Alexander the rules of the Council was dispensed with & the Bill read a third time & passed & sent to the House of Representatives for concurrence

The Bill from the House of Representatives, entitled an Act supplementary to an Act entitled an Act to locate permanently the seat of Justice in the County of Lafayette, was read the third time & passed & sent to the House of Representatives

The Bill entitled an act to repeal an Act approved 30th Oct. 1833" was read a second time & ordered to be engrossed & read a third time to-morrow

A Message from the House of Representatives by Mr Martin Mr President - I am instructed to inform your Honorable body - that the following Bills have been introduced into the House of Representatives, to wit. "An act permanently to locate the seat of Justice for Izard County & for other purposes" also a Bill to be entitled an act for the relief of Mrs. W. M. Cooper" and also that the House has passed a memorial originating in the Council, praying the President of the United States to cause one company of the United States Dragoons to be stationed at or near Fort Towson for the protection of the Southern frontier of the Territory, which is herewith returned to the Council - & also that there has been introduced into the House the following Bills

to wit "A Bill to be entitled an act prohibiting clerks from holding the office of Justice of the Peace"

On motion of Mr Ficklin, the Bill to establish the county of Greer" was taken up. Mr. Ficklin offered several amendments which were adopted & the Bill was read a third time & passed & sent to the House of Representatives for concurrence

Mr. Caldwell presented a petition from H. Bradford of Jefferson County, which was referred to the select committee on Mills & Millers

Mr. Sinclair gave notice, that on Monday next he would ask leave to introduce a Bill to repeal an act Entitled an act to suppress the evil practice of gaming, approved the 10th day of November, 1825, & for other purposes

Mr. Eskridge gave notice, that he would on to-morrow ask leave to introduce a Bill more particularly defining the duties of officers within this Territory & for other purposes

The Bill to be entitled an act providing for the auditing of witnesses & grand jurors accounts for fees was read a third time. On the question shall the Bill pass — Mr Bowers called for the yeas & nays — which were decided in the affirmative as follows — Yeas Messrs. Anderson, Alexander, Clark, Caldwell Duty, Ficklin, Handly, Jones, Kuykendall, Moore, Martin, Smith, Eskridge, Wolf, & Mr President — 15 —

Nays Messrs. Bowers, Calloway, Elliott, Jackmon & Sinclair — 5 —

A message from the House of Representatives by Mr Thurman

Mr President — I am instructed to inform your Honorable body that the following Bills have passed the House of Representatives & the herewith sent for your concurrence to wit. "An Act to alter & establish the Southern boundary line of the County of Jackson" "An act supplementary to the several laws now in force regu-

taking the mode of taking the Territorial Census" "An Act to authorize the administration on the Estate of J. L. M. Crack-enridge to the County of Pulaski" and also "An act to authorize the removal of the administration on the estates of Isaac Pennington and A. G. Johnston dec'd from the County of Marion to the County of Jefferson

The Engrossed Bill providing for the better selection of School Lands provided for under an act of Congress 20th May 1826" was read a third time & passed & sent to the House of Representatives for concurrence

The engrossed Bill entitled "An act to authorize the Election of officers in the county of Carroll & for other purposes" was read a third time & passed & sent to the House of Representatives for concurrence

The engrossed Bill entitled An act providing a mode of contesting the election of all officers both civil & military in this Territory, was read a third time & passed and sent to the House of Representatives for concurrence

Mr. Moore gave notice that he would on to morrow ask leave to introduce a Bill for the relief of the Sheriff of Phillips County

The Bill entitled an act to define the boundary line of Hot Spring County, was taken up & On motion of Mr Mann it was ordered to lie on the Table until Saturday next.

The Memorial praying Congress to establish a Land Office in the Eastern part of this Territory, was read a third time and passed & sent to the House of Representatives for concurrence

The counsel concurred in the amendments made by the House of Representatives to the Bill from the Council, establishing

the boundaries of Sevier County - and to the memorial for a Road from Adam Strouds's to Fort Smith

The Engrossed Bill from the House of Representatives entitled an Act to authorize the removal of the administration on the Estate of Isaac Pennington & Aaron G. Johnston dec'd from the County of Union to the County of Jefferson - was read the 1st time & ordered to its second reading

The engrossed Bill from the House of Representatives entitled an Act to alter & establish the southern boundary of the county of Izard" was read a first time & ordered to its second reading

The engrossed Bill from the House of Representatives entitled An act to authorize the administration on the Estate of John D. M Cracken dec'd to the County of Pulaski" was read the first time & ordered to its second reading

The engrossed Bill from the House of Representatives entitled "An act supplemental to ~~an act~~ Several Laws now in force, regulating the mode of taking the Territorial Census" was read the first time & ordered to its second reading."

Mr. Kuykendall gave notice, that on to-morrow he would introduce the two following Bills "A Bill to be entitled an act relative to Wolf scalps" and a Bill to be entitled an act to define the northwestern boundary line of Conway County

And the Council adjourned

Friday 2 Feb 1833

The Council Assembled

The following message was received from the House of Representatives by Mr Hanks

Mr President - I am instructed to inform your Honorable body that the House of Representatives have passed the following Memorial which originated in the Legislative Council and is herewith returned to wit. A memorial praying the formation of a new Land office district, & the location of the Land office at Helena

Mr M Kean gave notice that on tomorrow he would ask leave to introduce a Bill for the relief of the heirs of Benjamin Cooper deceased

Mr Elliott presented a petition from Nancy Isham [redacted] of Bedford County, which was referred to a select committee. consisting of Messrs. Elliott. Pickelin & Moore

The Bill entitled an Act supplementary to the revenue Laws of this Territory was read a second time On motion of Mr. Smith. the Bill was ordered to lie on the Table

Message from the House by Mr. Hammond

Mr. President - I am instructed to inform your Honorable body that the House of Representatives has concurred in the amendments made by the Council to the following Bills to wit. "A Bill for the relief of John Williams" "An act to erect and establish the County of Greene

Mr. Thomason presented a Memorial praying Congress for an appropriation to clear a road from the Cahawba bridge on the U. States' Road leading from Jackson to Washington by the three forks of the Little Pearl River to the Choctaw line in the direction to Fort Hudson" which was read the first time. On motion of Mr Thomason, the rule of the Council

was dispensed with & the memorial ordered to its second & third reading & passed & sent to the House of Representatives for concurrence

Mr. Smith gave notice that on to-morrow he would ask leave to introduce a Bill to be entitled An Act to repeal an act entitled an Act regulating the manner in which judgments shall be confessed

The engrossed Bill from the House of Representatives, entitled an Act to authorize the removal of the administration on the estates of Isaac Pennington & Aaron G. Johnston was read the second time & on motion of Mr Smith was committed to a select committee consisting of Messrs Smith, Jacklein & Wolf.

A Message from the House of Representatives by Mr. Martin

Mr. President I am instructed to inform your Honorable body that the House of Representatives has passed the following Bills to wit. "An act dissolving the bonds of matrimony between James & Anthony & Mary S. Anthony" which is herewith transmitted for the concurrence of the Legislative Council and also that the House of Representatives has adopted the following resolution to wit. Resolved That the Joint Committee appointed on the part of the House of Representatives to examine the digest prepared by Mr N Campbell, have permission to sit to-morrow during the sitting of the House & I am directed to ask the concurrence of the Legislative Council.

On motion of Mr. Sinclair the Council concurred in the Resolution above alluded to

Mr Jones gave notice, that on Monday next he would introduce a Bill to establish a Court of Justice, temporarily in the County of Monroe until otherwise provided by Law.

Mr. Sidwell agreeably to notice previously given, introduced a Bill entitled an Act more judicially defining the duty of

affeffor in this Territory & for other purposes, which was read the first time and ordered to a second reading

A message from the House of Representatives by Mr. Clark Mr. President— I am instructed to inform your honorable body that the House of Representatives has passed a memorial for a road (originating in the Counsels) from the Hot Springs to run near the Caddo Cove to the Chickstaw line, in the direction to Fort Towson on the western border of our Territory" with an amendment & ask the concurrence of the Council to said amendment

The act authorizing the heirs of Christian Dring to sell Lands in Arkansas County, was read a second time and ordered to a third reading to morrow

Mr. Martin agreeably to notice previously given, introduced a Bill to Incorporate the Town of Little Rock which was read the first time & on motion of Mr. Martin was committed to a Select committee composed of Messrs. Farrelly, Smith & Martin

Mr. Calloway, according to notice previously given, introduced a Bill concerning pauper in Hot Spring County which was read the first time ~~& ordered to a second reading~~

Mr Thompson moved the indefinite postponement of the Bill. Mr Calloway called for the yeas & nays on the question for postponement— which was decided in the negative as follows. Yeas Messrs Anderson, Bean, Elliott, Ficklin, Thompson 5. Nays Messrs Bonner, Clark, Calloway, Caldwell Esq, Judkins, Jones, Kuykendale, Moore, Martin, Sinclair Smith Selvade, Ivey & Mr. President 15

A message from the House of Representatives by Mr. Clark Mr President I am instructed to inform your honorable body that the House of Representatives has passed an act authorizing the Governor of the

heirs of Joseph Valcir D'Hautrive to sell Lands in the State of Louisiana" which is herewith returned — also that the House has passed "A memorial asking an appropriation of $5000 for the repair of the military road from Washington Hempstead County to the Choctaw line on the direction to Fort Smith" which is herewith transmitted & your concurrence is asked

Mr Caldwell from the Joint Committee on Enrolments reported that that committee had examined the following Memorials & acts found the same correctly enrolled viz "A memorial for a donation to establish the Penitentiary System in Arkansas." "A memorial for a road from Batesville to intersect the national road from Jackson via Little Rock to Washington, Hempstead County" "A memorial for a road from Greenville, Clark Court House to Fort Smith." "An act to define the boundaries of Sevier County." "An act to call in the Levis in Lawrence County." "An act to dissolve the bonds of matrimony between Elijah Caples & Melinda Caples." "An act dissolving the bonds of Matrimony between William D. Barnett & Elizabeth Barnett." "An act for the relief of the illegitimate children of William Ross." "An act to authorize William Shannon to erect a toll Bridge across the Cossatot" "An act further regulating the proceedings of the commissioners of the Court House & Jail for the County of Lawrence." "An act to legitimatize the children of John L Lafferty" "An act to erect & establish the County of Scott." "A memorial for a road from Batesville through the Richmonds settlement to intersect the road from Little Rock to Cantonment Gibson." A memorial for a road from Batesville to Land Court House by Pine Bayou" "A memorial to open a road from Helena A.T. to intersect the Memphis & Little Rock road." "A memorial praying a donation of Land to settlers on the Western Frontier".

Mr Elliott from the Committee on memorials introduced a memorial praying Congress for the passage of a Law giving to the field officers of the Territory the right to elect their own

Brigadier & Major Generals, which was read the first time
On motion of Mr Ellcate the rules of the Council were dis-
pensed with & the memorial ordered to its second & third
reading & passed & sent to the House of Representatives for con-
currence.

Mr Moore agreeable to notice previously given, introduced a
Bill for the relief of the Sheriff of Phillips County, which was
read the first time — On motion the rules of the Council were
dispensed with & the Bill ordered to its second & third read-
ing & passed & sent to the House of Representatives for con-
currence.

A message from the House of Representatives by Mr
Byrd — Mr President — I am instructed to inform
your Honorable body, that the House of Representatives has
passed an Act for the "punishment of Slaves guilty of the
crime of Larceny" & also "an Act supplementary to an act es-
tablishing the office of Prosecuting Attorney" which are here-
with transmitted for your concurrence.

Mr. Kayhendale agreeably to notice previously given, intro-
duced a Bill to compensate persons who destroy wolves, which was
read the first time & ordered to a second reading

Mr Kayhendale also presented a Bill to define the western
boundary of Conway & the Eastern boundary of Pope — which
was ordered to the order of Order, by the President

A message from the House by Mr Rathbone
Mr. President — I am instructed to inform your Honorable body
that the House of Representatives has passed "A memorial for
a road from Chicot County by Pine Bluffs to Little Rock"
which is herewith transmitted for your concurrence

The Bill entitled An Act to repeal an Act to appropriate the

debt due by the County of Phillips between the counties of Phillips & Monroe was read a second time. Mr. Moore moved that the Bill lie on the table until the fourth of July next. Upon which motion the Yeas & nays were called for. which was decided in the affirmative as follows. Viz. Messrs Bozeman. Bean. Clark. Calloway. Caldwell. Duty. Fanelly. Moore. Martin. McKean. Sinclair. Thompson Sedwick & Wolf — 14.

Nays Messrs Alexander. Elliott. Nicklin. Judkins. Jones Kayhendall & Smith — 7.

The Engrossed Bill from the House of Representatives, to establish the Southern boundary line of the County of Izard, was read a second time & Ordered to its third reading to morrow.

The Engrossed Bill from the House of Representatives to authorize the administration on the estate of J. J. M. Cracken dec'd to the County of Pulaski, was read a second time & ordered to its 3d reading to morrow.

The Engrossed Bill from the House of Representatives, entitled "An act supplementary to the several laws now in force, regulating the mode of taking the Testimonie Cenes". was read a second time & on motion of Mr. Bozeman was committed to a Committee of the whole & made the order of the day for to morrow —

Sig. 10, 7. 73.

A message from the House of Representatives by Mr Martin. Mr President. I am instructed to inform your Honorable body that the House of Representatives, has adopted the accompanying resolution, & ask the concurrence of the Legislative Council.

Resolved, That a select committee be appointed on the part of this House to act in conjunction with such committee as may be appointed on the part of the Legislative Council to wait on Col. A. H. Sevier the Delegate to Congress for this Territory & request his special attention to the memorials passed by this Legislature; together with the petition of a large portion of the citizens of the

western section of the Territory for the removal of the troops from Fort Gibson to our western frontier

On motion of Mr. Farrelly the Council concurred in the resolution adopted by the House, & Messrs. Ficklin Bean & Martin were appointed a committee on the part of the Council

On motion of Mr. Barnes the House resolved itself into a committee of the whole on the Bill entitled an act supplementary to an Act establishing County Courts, Mr. Clark in the chair, and after some time spent therein, the Committee rose & the President having resumed the chair

Mr. Clark reported that the Committee had according to order had said Bill under consideration, that they had gone through the same with amendments. Which amendments were adopted & the Bill ordered to be engrossed & read a third time to-morrow

And the Council adjourned

Saturday November 2d

The Council assembled

Mr. Sinclair presented the petition of Sarah Mc Ginnis praying for divorce

Mr Smith from the Committee to whom was referred the Bill from the House of Representatives, "authorizing the removal of the administration of the Estate of Isaac Pennington and Aaron G. Johnston dec'd from the county of Union to the county of Jefferson, reported the same with amendments which amendments were concurred in by the Council & the Bill ordered to its third reading on Monday

Mr Sinclair rose & obtained leave to introduce a Bill entitled "an act to dissolve" the bonds of Matrimony between Sarah Mc Ginnis, and her Husband Cornelius Mc Ginnis, which was

read the first time— On motion of Mr Sinclair the rules of the Council were dispensed with & the Bill ordered to its second & third reading— On the question, shall the Bill pass? Mr. Fray called for the Yeas & Nays, which was decided in the affirmative as follows. Yeas. Messrs. Anderson, Alexander, Bean, Clark, Calloway, Caldwell, Elliott, Judkins, Jones, Martin, McLean, Sinclair, Thompson, Tedrick & Mr. President— 15.

Nays Messrs. Bessels, Fichlin, Mowe, Smith and Wolf— & the Bill sent to the House for concurrence

Mr. Bean presented a petition from Rebecca Ann Belding praying for divorce— and asked & obtained leave to introduce a Bill, entitled "An act to dissolve the bonds of Matrimony between Rebecca Ann Belding and Samuel C. Belding, which was read the first time On motion of Mr Bean the rules of the Council were dispensed with, & the Bill ordered to its second & third reading.

On the question being put "shall the Bill pass?" Mr. Wolf called for the Yeas & Nays, which was decided in the affirmative as follows Yeas. Messrs. Anderson, Alexander, Bean, Clark, Calloway, Caldwell, Elliott, Judkins, Jones, Martin, McLean, Sinclair, Smith Thompson, Tedrick & Mr. President— 11.

Nay Messrs Bessels, Fichlin, Mowe & Wolf. 4.

And the Bill was sent to the House of Representatives for concurrence

Mr. Caldwell from the joint Committee of Enrollments, reported, that the Committee had examined the following Acts & memorials & found them correctly enrolled viz: "A memorial for the formation of a new Land District & the location of the Land Office at Helena." "A memorial praying an appropriation to open the Ft. Stals road from the Missouri line to the Southern boundary of the Territory" "A memorial to Congress to open a road from the mouth of Milk river to Fort Blacks" "An act to legitimize the Children of Nicholas Doherty" "An act to erect and establish the County of Gazens" "An act for the relief of John Frelland of the county of Phillips." "An act supplementary to an act entitled an

Act to Locate permanently the seat of Justice of Lafayette county."
"An act authorizing the Guardians of the minor heirs of Joseph Valcin
St Martin to sell Lands in the State of Louisiana."

Mr. McKean agreeably to notice previously given introduced a Bill for the relief of the heirs of Benjamin Cooper deceased which was read the first time. On motion the rules of the council was dispensed with & the bill ordered to its second reading. On motion of Mr McKean the Bill was amended & ordered to be engrossed & read a third time on Monday

Mr. Smith agreeably to notice previously given introduced a Bill entitled "An Act to repeal an act regulating the manner in which Judgments shall be confessed" which was read the first time & ordered to its second reading

Mr. Ficklin from the committee on Memorials reported a memorial to the Congress of the United States praying an appropriation for the purpose of Connecting the waters of the ~~Mississippi~~; with those of the Bayou Bartholomew & the Washita River. which was read the first time. On motion of Mr Anderson the rules of the council was dispensed with & the memorial ordered to its second & third reading & passed & sent to the House of Representatives for concurrence

The Bill from the House of Representatives, entitled an act for the punishment of slaves for the crime of larceny, was read the first time & ordered to a second reading

The Bill from the House of Representatives, ~~establishing the Notary~~ entitled "An act supplementary to an act establishing the office of Prosecuting Attorney was read the first time &
On motion of Mr Farrelly the Bill was indefinitely postponed

The Bill from the House of Representatives entitled an

Act dissolving the bonds of Matrimony between James C. Anthony & Mary L. Anthony, was read the first time and ordered to a second reading on monday

A Message from the House of Representatives by Mr. Bugg and Mr. President— I am instructed to inform your Honorable body that the House of Representatives have passed the following memorials, to wit. "A memorial for ayding Congress to pass a law authorizing the Field officers of this Territory to elect their Brigadier and Major Generals" & also "A memorial praying Congress for an appropriation of $5.000. for opening a road from the Antoine Bridge on the U. States Road leading from Jackson to Washington by the Three Forks of the little Missouri river to the Choctaw line in the direction to Fort Smith Arkansas." and also that the House of Representatives has passed the following Bill to wit: "An act dissolving the bonds of matrimony between James Smith & Clara Smith alias Clara Roundtree" and the concurrence of the council is asked to the said Bill which is herewith transmitted & the said memorials are herewith returned to the Legislative Council where they originated. Also that the House has passed a Bill from the Council to wit. "A Bill to be entitled an Act to dissolve the bonds of matrimony between Sarah M Ginnis & Cornelius M Ginnis" which is herewith returned. And also that they have passed "A memorial praying Congress for a donation of one section of land to each county in this Territory for the purpose of building a Court house & Jail" which is herewith transmitted for your concurrence — and also "a memorial for connecting the waters of the Ouachita, with the Dardenelle."

The memorial from the House of Representatives, praying for a road from Columbia by the Pine Bluffs to Little Rock, was read the first time. On motion of Mr. Thompson, the rules of the council were dispensed with & the memorial was a second & third time passed & sent to the house of representatives

The memorial from the House of Representatives praying

Congress for an appropriation for the purpose of repairing the Military road from Washington Hempstead County, to the Choctaw line in the direction to Fort Towson, was read the first time. On motion the rules of the Council were dispensed with & the memorial ordered to its second & third reading & passed & sent to the House of Representatives

On Motion of Mr. Farrelly the engrossed Bill, entitled "An act supplementary to an act, establishing County Courts" was taken up and read a third time. On motion of Mr Farrely the bill was amended. On the question being put "shall the Bill pass?" the yeas & nays were called for by Mr. Calloway, which decided in the affirmative as follows

Yeas Messrs. Anderson, Alexander, Bonnell, Beard, Clark, Duty, Farrelly, Martin, Sinclair, Smith, Thompson, Tidwell, Wolf & Mr. President 14

Nays Messrs Calloway & McKean 2

And the Bill was sent to the House of Representatives for ~~engrossed~~ concurrence

On motion, the Council resolved itself into Committee of the whole on the Bill "entitled an act supplementary to an act concerning runaway slaves" Mr. Bonnell in the chair; and after some time spent therein, the Committee rose — & the President having resumed the chair —

Mr Bonnell reported that the Committee had according to order, had said Bill under consideration & had requested him to report the same with amendments — which amendments were adopted by the council

On motion of Mr Clark the Bill was returned to a select committee consisting of Messrs. Anderson, Clark, and Alexander

A message from the House of Representatives by Mr Ragan.

Mr. President — I am instructed to inform your Honorable body, that the House of Representatives has passed "An act supplementary to the laws on attachments" which is herewith transmitted and the concurrence of the council is asked

On motion the Council resolved itself into committee of the whole on the Bill to alter the mode of voting" Mr. Smith in the chair; and after some time spent therein the Committee rose & the President having resumed the chair

Mr Smith reported that the Committee had according to order had said Bill under consideration, that they had gone through the same & instructed him to report said Bill with sundry amendments. Which amendments were adopted by the Council & the Bill ordered to be engrossed & read a third time this day Monday

A message from the House of Representatives by Mr Roberts

Mr President I am instructed to inform your Honorable body that "An Act to erect & establish the county of Van Buren" has passed the House of Representatives with sundry amendments, & asks the concurrence of the Council thereto.

Mr. Judkins gave notice, that on Tuesday next he would ask leave to introduce a Bill for the protection of certain mechanics to be therein mentioned

And the Council adjourned

Monday Nov 4

The Council assembled

Mr Caldwell from the Committee on Enrollments, Reported that the Joint Committee on Enrollments had examined the following memorials & acts and found them to be correctly enrolled viz

1st. memorial praying for an appropriation for a canal from Bayou Bartholmew to the Mississippi & for other purposes. "Memorial asking an appropriation of $5000 for the repair of the Military road from Washington in the County of Hempstead to Fort Towson"

"A memorial for a road from the Antoine Bridge to the Choctaw line in the direction of Fort Preston." "A memorial for a road from Little Rock to the Choctaw line, in the direction of Fort Towson." "A memorial for a road from ~~Little~~ Chicot County by the way of Pine Bluff to Little Rock." "A memorial to the Congress of the U. States for the passage of a Law giving to the field officers of this Territory the right of electing their Brigadier & Major Generals" and "An act to dissolve the bonds of matrimony between Sarah McGinnis and her husband Cornelius McGinnis."

Mr. Elliott from the select Committee to whom was referred the petition of Nancy Isham, reported a Bill, entitled an Act to legalize & legitimize Diana Ferguson, formerly Diana Proctor, which Bill was read the first time. On motion the rules of the Council were dispensed with & the Bill ordered to its second & third reading & passed & sent to the House of Representatives for concurrence.

A message from the House of Representatives by Mr Hanks

Mr. President— I am instructed to inform your Honorable body, that the House of Representatives has passed "an Act for the relief of John Barnes," which is herewith returned. And also that they have passed "an act supplementary to the acts appointing Commissioners for building a Jail in Arkansas County" which is herewith transmitted & the concurrence of the Council is asked thereon.

Mr Bonner from the select Committee to whom was referred the Bill concerning roads & high ways, reported the same, with a substitute, which was read, and on motion of Mr Bonner committed to a committee of the whole & made the order of the day for to-morrow.

Message from the House of Representatives by Mr Magness

Mr President— I am instructed to inform your Honorable body that the House following Bills have been introduced into the House of Representatives to wit: "A Bill to be entitled an act supplementary

to an act concerning marriage." A Bill to be entitled "An act to erect & establish the County of Marion." Also the following memorial has been introduced into the House to wit "A memorial praying an appropriation to build a hospital at the mouth of White River." A Bill to be entitled "an act apportioning the debts of the counties of Clark & Hempstead with the county of Pike."

Mr. Sinclair according to notice previously given, introduced a Bill to be entitled "An act to repeal an act, approved Nov 10, 1829, entitled an act to prevent gaming" which was read a first time & ordered to a second reading.

A message from the House of Representatives by Mr. Clark

Mr President... I am instructed to inform your Honorable body, that the House of Representatives has adopted the following Resolution, to wit

"Resolved, That the Legislative Council be invited to attend in the Representatives Hall on Friday the 8th Inst. at 11 O'clock for the purpose of Electing an Auditor & Treasurer & Justices of the Peace & ask the concurrence of the Legislative Council.

On motion of Mr Sinclair the Council concurred in the resolution of the House, and the House informed thereof

Mr. Jones agreeably to notice previously given, asked leave to introduce a Bill Temporarily to locate the seat of Justice of Monroe County, which was read the first time. On motion of Mr. Jones the rules of the Council were dispensed with & the Bill ordered to its second & third reading & passed & sent to the House of Representatives for concurrence

On motion of Mr Ficklin twenty five copies of the Printed Bill regulating Chancery proceedings were transmitted to the House of Representatives for the use of the members of that House

Mr Wolf asked & obtained leave to introduce a Bill for the relief of preachers of the gospel" which was read the first time & ordered to a second reading

Mr Tedrick gave notice that on to morrow he would ask leave to introduce a Bill for the relief of Lafayette Sims. Former Sheriff of Monroe County

The Bill from the House of Representatives intitled an act to dissolve the bonds of Matrimony between James Smith and Clara Smith, alias Clara Saunders, was read the first time and ordered to a second reading.

The engrossed Bill from the House of Representatives, entitled "an Act supplementary to the Laws on Attachment" was read the first time & ordered to a second reading

The memorial from the House of Representatives, praying Congress for a donation of ~~Land~~ one Section of Land in each county for the purpose of building a Court House & Jail, which was read a first time On motion of Mr. Thompson the rules of the Council were dispensed with & the memorial ordered to its second and third reading & passed & sent to the House of Representatives for concurrence

The Bill from the House of Representatives entitled "an Act for the punishment of slaves guilty of the crime of Larceny" ~~which~~ was read a second time. On motion of Mr. Thompson the Bill was ordered to lie on the Table until the twenty fifth day of December next.

On motion of Mr Mayfield the Council concurred in the amendments made by the House of Representatives, to the Bill to erect & establish the county of Van Buren

The Bill intitled "An Act to compensate persons for destroying Wolves" was read a second time. Mr. Bean moved that the Bill lie on the Table until the fourth of July next. The yeas & nays being called for on the question of laying the Bill on the Table, it was decided in the negative as follows.

Yeas. Messrs Bozwell, Bean, Caldwell, Ficklin, Farrelly, Watkins Smith, Wolf & Mr President. 9.

Nays Messrs Anderson. Calloway, Elliott, Jones, Kuykendall, Martin, McKean, Thompson & Tedwell — 9

On motion of Mr Farrelly the Bill was laid on the Table

A message from the House of Representatives by Mr Brent

Mr President — I am instructed to inform your Honorable Body that the following Bills have been introduced into the House of Representatives, to wit "A Bill to be entitled an act to authorize the guardians of the infant heirs of Robert Jones dec'd to sell lands" "An Act to be entitled an act to punish riotous & disorderly persons" A Bill to be entitled "An act supplementary to the several laws now in force, respecting proceedings before Justices of the Peace" "An Act to define in part the northwestern boundary line of Jackson County." "A Bill to be entitled "An Act providing for the swearing into office the civil officers of the County of Scott, & for other purposes."

The Bill from the House of Representatives, entitled "An act to dissolve the bonds of matrimony between James C Anthony and Mary L Anthony, was read a second time. On motion of Mr McKean the Rules of the Council were dispensed with and the Bill was read a third time. On the question being shall the bill pass? Mr Wolfe called for the yeas & nays & the question was decided in the affirmative as follows

Yeas Messrs Anderson, Bean, Calloway, Caldwell, Elliott Farrelly, Judkins, Jones, Kuykendall, McKean, Thompson & Tedwell — 11

Nays. Messrs Bossee, Ficklin, Martin, Smith, Tedwell, Wolfe and Mr President — 7

The Bill entitled "An act more particularly defining the duty of assessors in this Territory" was read the second time. On motion of Mr. Farrelly the Bill was committed to a committee of the whole & made the order of the day for to-morrow

A message from the House of Representatives by Mr Whiteson

Mr. President — I am instructed to inform your Honorable Body that the following Bills have passed the House of Representatives

to wit. "An act to elect officers in the County of Green" and the concurrence of the Councie is asked therein, & they have also before "an Act to legitimitize Jane Ferguson alias Jane Proctor" which is herewith returned to the Councie, where it originated, & also "an Act for the relief of Robert Crittenden" which is herewith transmitted for the concurrence of the Legislative Councie.

The President announced to the Council that he had just received from the Secretary of the Territory a communication, which communication was laid before the Council

On motion of Mr. Farrelly the letter of the Secretary, addressed to the President & inclosing the documents alluded to, was ordered to be spread upon the Journals.

Little Rock Nov 4th 1833

To the Hon'ble John Williamson

Sir

I herewith send you a letter addressed to yourself & Col. S. Wilson, to which you will be pleased to give such direction, as your rules of proceedings have pointed out. My sole wish in this matter is, that the subject of which it treats, may be fairly brought before the General Assembly for full consideration; that the difference of opinion between the governor & myself, may be so settled, that no difficulty may hereafter take place between us, and that the progress of the public building, for which the ten sections of Land were granted to this Territory, may not be interrupted, on account of my belief, that there is no law at this time, authorizing its being built, or appropriating the funds, which belongs to this Territory to that object

I am your obt Servt.

William S. Fulton

The Bill to be entitled "An act to repeal an act regulating the manner in which judgments shall be confessed;, was read the second time. Mr Thompson moved to lay the Bill on the Table until the first day of January next. Upon which motion Mr Bonner

called for the yeas & nays - which was decided in the negative as follows

Yeas Messrs Anderson, Bonnelle, Calloway, Caldwell, Hayston-dale, Thompson & Wolf - 7

Nays Messrs. Bean, Elliott, Ficklin, Farrelly, Judkins, Jones Martin, McKean, Smith, Tidwell & Mr. President - 11 -

& the Bill was ordered to its 3d reading to morrow

The Bill entitled "An act to define the boundaries of Hot Spring County" was taken up & on Motion of Mr. Martin was ordered to lie on the table untie to morrow.

Mr. Thompson according to notice previously given introduced a Bill to be entitled "An act to prevent Sabbath breaking" which was read the first time, and ordered to a second reading

The Bill entitled "An Act concerning Juries in Hot Spring County" was read a second time. Mr. Farrelly moved that the Bill be indefinitely postponed. On the question for indefinite post-ponment Mr. Calloway called for the yeas & nays, which was decided in the affirmative as follows

~~Yeas Messrs Anderson Calloway Hayskendale~~

Yeas Messrs. Bonnelle, Bean, Caldwell, Elliott, Ficklin, Farrelly, Judkins, Jones, Martin, McKean, Smith, Thompson Tidwell, Wolf & Mr. President 15

Nays. Messrs. Anderson, Calloway, Hayskendale 3.

And the Council adjourned

Tuesday, Nov 5th

The Council Assembled

Pursuant to the joint Committee on the books of the Auditor and Treasurer, submitted the following Report.

The joint Committee on the Auditor and Treasurers books

Report

That your Committee in conjunction with the Committee from the House of Representatives, have according to order performed the duties assigned them, and after a patient and laborious examination of the books, vouchers &c in the offices of Auditor and Treasurer, are now enabled to lay before you the true state of the Treasury — the Act passed at the last Session, entitled an Act to call in the Territorial scrips and for other purposes approved the 7th of Nov. 1831, required the holders of scrips issued prior to the passage of the act, to present the same at the Treasury, on or before the first day of December 1832. Under and in compliance with this act there has been presented at the Treasury 4676 dollars 82 cents, on which new scrips have issued and Treasurers receipts given for the interest amounting to the sum of 1168 dolls 82 cents. To satisfy warrants drawn on the Treasury for the current expenses of the government from the passage of the act of the 7th Nov. 1831 to the 30th day of Sept last scrip has issued to the amount 6721,49 3/4 cents, which added to the said sum of 4676. dolls 82 cents makes the sum of 11.398 dolls 31 3/4 cents, being the whole amount of scrip issued since the passage of the act all of which have been issued in conformity with said act, and regularly registered under the proper heads. Of the sum thus issued there has returned to the Treasury 4,969 dolls 56 1/2 cents in payment of revenue &c including the sum of four dolls received from the Treasurer to pay an order issue on warrant to N. Menefee, all of

which has been likewise regularly registered under the proper heads and being deducted from the said sum of 11.398 dolls 31¾ cents, leave the sum of 6.410 dolls 75¼ cents, the amount of scrips in circulation. The close and minute investigation given by the Committee to every matter connected with the public accounts, has caused them to remark the great improvement caused by the act of the 7th how the numerous checks created on the Books of the Treasurer have imposed additional labour on that officer and likewise on the Committee but the salutary effects are obvious — so long as that act is continued in force, what has been heretofore based on hypothesis, (the scrips in circulation) can be ascertained at any time, with the different denominations of the Bills out, the letter and number, and to whom issued, which must tend to secure the Treasury against fraud, should any attempt be made to counterfeit the scrips currency, Since the last report of the Joint committee, warrants have been drawn on the Treasury under the different appropriations to the amount of 6,741 dolls 49¾ cents, to which add the sum of 4,676 dolls 82 cents, the amount of old scrips redeemed at the Treasury under the act of the 7th of November, and the further sum of 1168 dolls 92 cents, treasurer's receipts for interest on old scrips makes the sum of 12,587 dolls 23¾ cents from which deduct the following viz 4,983 dolls 56 cents, new scrips received in payment of revenue, and the sum of 625 dolls 05 cents Treasurer's receipts for interest on old scrips taken up in payments at the Treasury, and the sum of 24 dolls, a warrant to Jas N. Kennedy returned in payment, making together the sum of 5,632 dolls 61 cts, leaves the sum 6954 dolls 62¾ cents being the amount of Territorial debt on the 30th day of September last, The net revenue accounted for at the Treasury since the last report of the Joint Committee, amounted to the sum of 11,637 dolls 61¼ cts and the sum of 31 dolls 22½ cents, balance in the Treasury at last report makes the sum of 11.668 dolls 83¾ cents. Of this sum 10.081 dolls 13 cents was paid in scrip 24 dolls a warrant returned

Treasurer's commission on lands redeemed 33 Dolls 93 cents, Treasurer's receipts for interest on old Scrip 625.05 cents, interest on Scrip paid in, 901 Dolls 43 3/4 cents and the sum of 3.29 cents in cash. The amount of Scrip paid into the Treasury, 10.081 Dolls 13 cents added to the sum of 4676. Dolls 82 cents old Scrip cancelled under the act of 7th November makes the sum 14.757 Dolls 95 cents, is now in the possession of the Committee, all of which has been examined, the interest calculated, found correct, and to correspond with the entries on the Treasurer's books. For all the warrants drawn on the Treasury proper vouchers has been filed in the Auditors office, which with the warrants and Treasurers receipts are now in the possession of the Committee subject to order. The annexed Statement marked A hereunto annexed, shows the amount of warrants drawn on the different appropriations of 1831 and the unexpended balances of said appropriations. It will appear from this statement, that the Auditor has overdrawn the "Electing returns" 32 Dolls 25 cents. The warrants drawn under this head have been applied to payment of Executive postage and to persons who brought in the returns of the late Election, There being an unexpended balance of the Contingent fund, the Auditor believed he was justified in making a transfer from that fund and consequently drew his warrants on the Treasury, The Committee however under the law, feel bound to report him accountable for the amount so overdrawn, but as the payments should necessarily have been made at the time the warrants were drawn, they recommend the passage of an act giving him relief. The Committee also found in examining the vouchers against the Sheriffs, two Clerk's certificates, one from Pope County 17 Dolls and one from Jackson County 3 Dolls which the Auditor had not charged to the Sheriffs of those Counties in settlement. Consequently he was accountable for the amount (20 Dolls) which sum he has paid on Scrip to the

Committee; and the same has been duly entered and included in the accounts submitted by the Commissioners. The Committee likewise found two other Clerk's certificates one from Hempstead County for 40 dollars and one from Crittenden County for 40 dollars, the former for the year 1831 and the latter for 1830. The Sheriffs of those Counties having settled their accounts previous to the receipt of their certificates by the Auditor are not accountable to the Territory for the payment. The Committee would therefore recommend the passage of a resolution, directing the Prosecuting Attorneys in the 1st and 4th Judicial Circuits to proceed against the Clerks delinquent in those Counties for the recovery of the amount. The amount reported by the last Joint Committee as due from defaulters was 1.091 dollars 97½ cents which yet remains unpaid There also appears due from Collectors of the revenue for the years 1831 and 1832 the sum of 1034 dollars 30¾ cents

The Committee notwithstanding the research and labor given to the discharge of the duties confided to them are unable to form any estimate of the amount of revenue that will be received in the Treasury the current year, as but few of the Tax lists have been received by the Auditor. The military bounty lands, once a great source of revenue, have (in consequence of the number struck off to the Territory for the non-payment of taxes) been reduced to little over one fourth their original amount, and are annually decreasing. There have been, of these lands, struck off to the Territory in the years 1831 and 1832, 420 tracts, and since the last report of the Joint Committee to the 30th of September last, there have been redeemed 70 tracts, on which the Taxes, interest and costs amounted to the sum of 33 dollars 33 cents

The act of the 7th of November 1831 having declared all the certificates from the Register's, and not presented at the Treasury on or before the 1st of December 1832 cancelled, the amount before stated may be considered as the precise amount of

the public debt. The Committee in arriving at this certainty, have deemed it their duty to examine and compare the reports of former Joint Committees with the present, in order to ascertain, how near the Scrip in circulation (taking as a basis former reports) would correspond with the actual amount in Circulation. It will appear as follows, The Joint Committee of last Session reported the amount of Scrip in circulation on the 30th day of September 1821 to be 863g dolls 96½ cents. Since which time warrants have been drawn on the Treasury for which scrip issued to the amount of 6.717 dolls 29 3/4 cents added to the said sum then reported in circulation makes the sum of 15.357 dolls 45 3/4 cents, from which deduct the amount of Scrip received at the Treasury in payment of revenue 10.084 dolls 62 cents, would leave the sum of 5.297 dolls 03 3/4 cents, and the amount of scrip in circulation on the 30th day of September last, being the sum of 1.113 dolls 71½ cents less than the actual amount in circulation on that day. To ascertain if possible how this could arise, or whether the Treasury should be held responsible for the difference, the Committee have referred back to the reports of former committees, the first of which that the Committee have been able to find is that of the Session of 1823; in the printed Journals page 11. The Joint Committee then reported "that there is yet to be deducted from the debts "due by the Territory the sum of $5.282,82½ which is the "amount yet due by the several Sheriffs of this Territory, and "also $4.820,06 which is the amount of redeemed scrip in "hand, and these two sums together will make "$10.072,88½ and deduct that amount from $17.323,71 and "there will be a balance which the Territory receives of "$7.250,82½". The subsequent report at the Session of 1825, in the printed Journals page 10 states that "on the "16th day of October 1823 there was a balance of $7.250,82½ "against the Territory, as reported by the Committee raised to

examine the subject at the last Session of the Legislature", This sum of $7.250,82½ is added to the amount of warrants drawn on the Treasury, interest on scrip and amount overpaid by Collectors of the Revenue, making the total amount of expenditures $24.231,28¼. The Committee then go on to state that "the "receipts of the Treasury since the report of the last Committee amount to $15.994,13, to which add $177 charged to the Auditor, and "it makes the sum of $16.168,13 which sum deducted from $24.231,28¼ "the amount of expenditures since the 16th of Dec. 1823 will leave a "balance of $8,003,15¼, the sum which is now due by the Territory"

From the extracts here given from the reports of the Committees at the Sessions of 1823 and 1825. it will appear evident that the revenue or amounts due by the Sheriff in 1823 was anticipated and included in the report as money or scrip paid into the Treasury. Taking the latter report literally, it would appear, that the Committee of 1825 based their report on that of the preceding Committee, and credited all the Scrip received in the Treasury from the preceding report of the 16th of Oct 1823. Should such be the fact the amount collected or paid into the Treasury by the Sheriffs in 1823 must have been twice credited, which would make a difference of between two and three Thousand Dollars including the amount still due from defaulters, a large portion of which was due at the time of the report in 1823. Admitting such to be the facts, and the Committee have no other data to govern them in their conclusions, it would appear that a portion of the scrip issued prior to the passage of the act of the 7th Jan. has not returned to the Treasury; the Committees of 1823 and 1825 have failed to balance the Treasurer's books at the time they made their report. The precise difference cannot be ascertained without devoting much time and labor to the subject, The Committee however deem it unimportant, as they feel assured that there is less scrip in circulation than the General receipts and

expenditures of the Territory from the commencement of the Government in 1819 would seem to justify. The annexed Statement marked B shows the gross amount of warrants drawn on the Treasury since the last report to the 30th of Sept. 1833 and to what purpose they have been applied. A warrant has been drawn on the Contingent fund for witnesses fees in the case of "Horsey & Woods". The committee have examined the voucher on which this warrant issued and have passed it, but there being no appropriation for the purposes, the Auditor is accountable, they therefore recommend that the same be included in an act for his relief. On examination of the slips issued on the Auditors warrants, the Committee have discovered by the Register that the sum of four Dollars has been issued to N. Menefee more than the warrant called for; the Treasurer being accountable for the same, he has paid to the Committee the amount ($4.) which is included in the receipts. The annexed Statement marked C. shows the receipts and expenditures of the Territory from the 1st day of October 1831 to the 30th day of September 1833.

The Committee in closing their report cannot forbear comment on the annual decline of the Territorial revenue. While the Territory is rapidly advancing in wealth and population we witness a reverse in the fiscal operations of the Government. The receipts in the Treasury continue to decrease yearly, without relieving the people from the burthen of taxes which they now labor under, and calls loudly in the opinion of the Committee, for legislative enactments. The Committee would therefore recommend the passage of an act supplementary to the act providing for the redemption of lands stricken off to

the Territory and ~~requiring~~ directing the sale of those that have been for years and upwards stricken off. also a resolution to the officers of the different land offices requesting them to transmit ~~one~~ a transcript of the lands within their districts, on which patent certificates have issued, to the Sheriffs in the different counties within the same; also an act requiring the Clerks of the Circuit Courts, to forward to the Auditor the tax list and ~~a~~ other vouchers against the Sheriffs before a certain day, under the penalty of fine for neglect or failure. all of which is respectfully submitted with the following resolution.

Resolved

That the joint Committee on the Auditors and Treasurer's books be instructed to burn the bonds redeemed at the Treasury, and that the Speaker of the House of Representatives be instructed to write the word "Satisfied" on the warrants and vouchers examined by the Committee on the Auditor and Treasurer's books, and return the same to their respective offices.

(A)

A Statement showing the gross amount of warrants drawn on the Territorial Treasury under the appropriations of 1831 from the 1st Oct. 1831 to the 30th Sept. 1833

Warrants by whom drawn	Pay of Members & officers of the Legislature of 1831		Specific appropriations		County taxes & ferry advertising		Salary of Interpreters		Salary of Prosecuting Attorneys		Printing & binding		Salary of Adjt General		Contingencies		Election returns		Stenographic reports		Distributing the laws and Journals	
Emery Wilson Aud.	1372		860		-		1245	84	1480	-	875	60	29	15⅓	634	97	112	25	50	81	80	-
Balance unexpended	116		-	-	-		-		54	16	120	-	225	40	70	83⅓	40	08	-	-	11	94	-	-
amount of appropriations in 1831	1488	-	860	86⅔	200	-	1300	-	1600	-	1100	-	100	-	675	-	80	-	62	75	80	-
Amount overdrawn	--	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	32	25	-	-	-	-

B

A Statement shewing the gross amounts of Warrants drawn on Territorial Treasury from the 1st Oct. 1831 to the 30th Nov. 1833 and how applied

To pay the members of the Legislature and their officers in 1831.			1372	-
To pay Specific Accts allowed by the acts 1831				
" Wm E Woodruff stationary &c	37	66⅔		
" C.P. Bertrand Printing &c	159	-		
" Emery Wilson, articles furnished	124	91		
" Henry L Biscoe fees &c	118	54		
" Jas Scull for additional duties	75	00		
" Edward Smith taking Lockhart	200	-		
" Joseph L Cannes " Mayor	150	-		
" Jas M. Kenyhendall, wins for Lockhart	24	-		
" W. S. Fulton repairs of Old Store.	141	75		
" Richd C. Byrd Postage &c	30	"	860	86⅔
" pay salaries of Auditor & Treasurer	"	"	1245	84
" " " of Prosecuting Attornies	"	"	1480	-
" pay for printing the Acts & Journals				
Acts	379	10		
Journals	496	50	875	60
" pay salary of Adjt General	"	"	29	15⅔
" " for copying the acts &c	75	-		
" " apprehension of C. S. Coche	200	-		
Sheriff of Pulaski per Diem pay attending the Superior Court	44	-		
Taking the Census in Jefferson County.	32	90		
do " do " " Washington County	110	38		
do " 70 " " in Conway County	43	82		
" Costs in Criminal prosecutions - "	11	50		
" C. P. Bertrand Printing - -	13	12½		
" Sheriff of Pulaski - - -	18	0		
" Executive postage - - - -	34	25		
" Sheriff of Pulaski attendance on Superior Court	52	-	634	97½
" Bringing Election returns & postage	"	"	112	25
" Storage of Public Arms	"	"	50	80
" Distributing the Laws & Journals			80	-
			6.741	49¾

(C)

A Statement of Territorial receipts and expenditures from Oct 1st 1831 to Sept 30th 1833

To amount in the Treasury at last report of the joint committee - $31.22½				Dr. Amount of Territorial scrip delivered to the Committee - - - -	Cr.	
" Amount of Territorial Revenue paid into the Treasury - 11.637.01¼				By a warrant to John Kinghead returned in payment - - - -	$ 10.084,42	
	$	11.668	83¾	Treasurer's commission on redemption of mil. Bounty Lands $839.33½ p.cent -	33 93	
				Treasurers receipts for interest on Old scrip renewed under the act of 7th of Mar 1831 - - - - -	625 05	
				Interest allowed at the Treasury on Scrip redeemed in pay.t of Revenue - -	901 43¾	
					$	11.668 83¾
To amount of scrip renewed at the Treasury under the act of 7th Mar 1831	$	4.673.82		By amount of scrip redeemed in payment of Revenue and redemption of Lands	$ 4983.56½	
" Issues from 7th Mar 1831 to 30th Sept 1833 in payment of warrants -		6.717,49¾		By do paid by Treasurer for scrip issued to Tenessee - - - -	4. -	
" Do Issues warrant to Tenessee		4. -			$	4987 56½
	$	11.398	31¾	Balance Scrip out		6410 75¼
To balance being the amount of scrip in circulation - - - - -	$	6.410	75¼		Do	11.398 31¾
" do of Treasurer's receipts for interest on Old Scrip, renewed under the act of 7th Mar 1831 unredeemed - - - - - -		543	87½			
	Do	6954	62½			

Sig. 12, 7. 89.

All of which report was adopted by the Council.

A message from the House of Representatives by Mr Saylor

Mr President I am instructed to inform your Honorable body that "An act temporarily to locate the seat of Justice of Monroe County" has passed the House of Representatives & is herewith returned to the Legislative Council.

Mr Caldwell from the Joint Committee on ~~Memorials~~ Enrollments reported that the committee had examined the following acts and memorials & found the same to be correctly enrolled viz. "An act for the relief of John Barnes" "An act to legitimatize Jane Ferguson formerly Jane Proctor" "An act to erect & establish the county of Van Buren" "An act dissolving the bonds of matrimony between James C. Anthony & Mary L. Anthony" and "A memorial to Congress praying a donation of one section of Land to each county to aid in the erection of the public buildings in the several counties of this Territory"

Mr. Ellcate from the Committee on the militia, Reported a Bill to divide the Militia into six brigades, which was read the first time & ordered to its second reading.

Mr. Farrelly from the select committee to whom was referred the Bill entitled an act to incorporate the Town of Little Rock submitted the following Report. That your committee have according to order had the same under consideration & doubts having arisen in the minds of the committee as to the power of the Legislature to pass a new act of incorporation, without a petition from the inhabitants of Little Rock, report the same without amendment & ask leave to be discharged from the further consideration of the subject. Which report was concurred in by the Council

Mr. Caldwell from the committee to whom was referred the petitions of sundry citizens of Jefferson County, relative to mile & mile seats Reported a Bill entitled "An act requiring the

towns of Niles in Jefferson County to keep their flour gates down." Which was read the first time & ordered to its second reading.

On motion of Mr. Anderson, Mr. Elliott was added to the select committee on the Bill concerning runaway slaves

On motion of Mr. Bonsall, it was ordered that 1000 copies of the Report of the Committee on the Books of the Auditor & Treasurer be printed for the use of the members of the Council

Mr. Sidwell agreeable to notice previously given, introduced a Bill for the relief of Lafayette Jones, formerly sheriff of Monroe County, which was read the first time & ordered to a second reading.

Mr. William D. Ward, the assistant Secretary asked a leave of absence, & requested that Mr A. G. Pike should be permitted to act as assistant Secretary during his absence, which was granted & Mr Pike was according qualified & entered on the discharge of his duties

Mr. Smith gave notice that on to-morrow he would ask leave to introduce a Bill to regulate attornies fees.

Mr. Sidwell asked leave of absence for Mr Alexander, until Friday night, which was granted

A message from the House of Representatives by Mr Hadsputh Mr. President I am instructed to inform your honorable body, that the following Bills have been introduced into the House of Representatives to wit. "A Bill to be entitled an act to repeal the 3d Section of an act in Gyers digest, relating to the Stray Law" "A Bill to be entitled an act for the relief of the illegetimate children of Christian Brumbach" also "A Bill to be entitled "An act to authorize the removal of the administration on the estate of Jacob Burkhart from the county of Lawrence to the county of Pulaski." "A Bill to be entitled "An act to compel Sheriffs to settle their accounts" & "An act making appropriations for the years 1834 & 1835" and

A Bill to be entitled "An act allowing compensation to the members of the present General Assembly and their Officers."

The Engrossed Bill from the House of Representatives, entitled An act to appoint commissioners to build a jail in Ashley county was read a first time. On motion the rules of the Council were dispensed with, and the Bill ordered to its second & third reading & passed & sent to the House of Representatives

The Bill from the House of Representatives, entitled "An Act for the relief of Robert Crittenden" was read the first time. and on motion of Mr. Fishlin the rules of the Council were dispensed with & the Bill ordered to its second & third reading & passed and sent to the House of Representatives

The Bill from the House of Representatives, entitled "An Act to elect officers in the County of Izard." was read the first time & on motion the Rules of the Council were dispensed with & the Bill ordered to its second & third reading & passed and sent to the House of Representatives

The Engrossed Bill to be entitled "An act to change the mode of voting in this Territory was read a third time. Mr. Smith moved that the Bill be laid on the Table until the 8th of January next.

Mr. Thompson called for the yeas & nays on the question of laying the Bill on the table, which was decided in the affirmation by the following vote

Yeas. Messrs Bowles, Bean, Calloway, Elliott, Fishlin, Farrelly, Martin, McKean, Sinclair, Smith, Tidwell & Mr President—12

Nays. Messrs Anderson, Clark, Duty, Jackins, Jones, Morris, Thompson & Wolf— 8.

The Bill to prevent Sabbath breaking, was read the second time. Mr Fishlin moved that the Bill be laid on the table until the first Sabbath in January. Mr. Thompson called for the yeas & nays

on the question to lay the Bill on the Table. which was decided in the affirmative as follows.

Yeas. Messrs. Anderson. Bosmeu. Clark. Calloway. Caldwell Elliott. Ficklin. Farrelly. McNeal. Smith & Tidwell — 11.

Nays. Messrs. Bean. Duty. Ludkins. Jones. Moore. Martin. Sinclair Thompson. Wolf & Mr. President. 10

The ~~Engrossed~~ Bill entitled an Act to repeal an Act to prevent Gaming" was read a second time. Mr. Bosmeu moved to lay the Bill on the table ~~on the table~~ until the 8th of January next. The yeas & nays being called for the question was decided in the affirmative by the following vote

Yeas. Messrs. Anderson. Bosmeu. Bean. Clark, Caldwell. ~~&~~ Elliott, Ficklin. Farrelly. Ludkins, Moore, Martin. McNeal. Smith. Thompson. Tidwell, Wolf & Mr. President. 17—

Nays. Messrs. Calloway. Duty. Jones. & Sinclair — 4 —

The Bill for the relief of Preachers of the Gospel was read the second time. On motion of Mr. Farrelly — The Title of the Bill was amended & ordered to be engrossed & read a 3d time to morrow.

The Bill from the House of Representatives entitled "an Act to dissolve the bonds of matrimony between James Smith and Clara Smith, alias Clara Rountree, was read a second time & ordered to its third reading

The engrossed Bill from the House of Representatives entitled "An act supplementary to the laws on attachments" was read a second time. On motion of Mr. Farrelly it was ordered to be committed to a committee of the whole & made the order of the day for Thursday next

On motion of Mr Bosmeu the ~~House~~ Council resolved itself into committee of the whole on the Bill supplementary to acts in force concerning roads & high ways, Mr Wolf in the chair and after some time spent therein the Committee rose, and the

President having resumed the chair — Mr Wolf reported that the Committee had according to order had said Bill under consideration — that they had gone through the same & instructed him to report the same with amendments — which amendments were adopted by the Council & the Bill was ordered to be engrossed and read a third time to-morrow

A message from the House of Representatives by Mr. Roberts.

Mr President — I am instructed to inform your Honorable body that the following Bills have passed the House of Representatives, to wit "A Bill to be entitled an act for the relief of J. W. Robinson." which is herewith transmitted & the concurrence of the Legislative Council is asked therein.

A message from the House of Representatives by Mr. Hammond

Mr President — I am instructed to inform your Honorable body, that the following bill has been introduced into the House of Representatives to wit. A Bill to be entitled "An act for the relief of Securities in the official bonds in this Territory."

Mr. Smith gave notice that on to-morrow he would ask leave to introduce a Bill to regulate the fees of County Surveyors

Mr Jackins asked leave to withdraw a notice he had given on Saturday last to introduce a Bill to day for the protection of certain mechanics — which was granted. He then gave notice that on to-morrow he would ask leave to introduce the aforesaid Bill

On motion the Council resolved itself into Committee of the whole on the Bill "now particularly defining the duty of assessors & for other purposes" Mr. Thompson in the chair — and after some time spent therein the committee rose — & the President having resumed the chair — Mr Thornton reported that the Committee had according to order had the said Bill under consideration that they had gone through the same & had instructed him to report the same without amendment. which report was adopted

by the Council. On motion of Mr. Sedwick the Bill was committed to a Select Committee consisting of Messrs. Smith, Sedwick & Farrelly.

On Motion the Council resolved itself into the Committee of the whole on the engrossed Bill from the House of Representatives, entitled "An act supplementary to acts concerning taking the Territorial census. Mr. Ficklin in the chair. and after some short time therein the Committe rose and the President having resumed the chair. Mr. Ficklin reported that the committee had according to order had said Bill under consideration that they had gone through the same & requested him to report the same with amendments. & ask leave to sit again to morrow. Which was granted.

The following message from the House of Representatives was received by Mr Hudspeth

Mr President

I am instructed to inform your Honorable Body that the following bills, has been introduced into the House of Representatives, to wit, A Bill to be entitled an act to build a Court House in the County of Crawford, and also that the House of Representatives has adopted the accompanying resolution, which is herewith transmitted and the concurrence of the Council asked therein.

Resolved

By the House of Representatives and Legislative Council of the Territory of Arkansas, That there be allowed and paid, out of the contingent fund, appropriated by the Congress of the United States for the payment of the incidental expenses of the Legislature of the Territory of Arkansas. To each of the Clerks of the House of Representatives the sum of one hundred and fifty dollars, and to

each of the Secretaries of the Legislative Council the sum of one hundred and fifty dollars, and to each of the Door Keepers the sum of ninety dollars. And the Speaker of the House of Representatives and the President of the Legislative Council, are requested to certify the ~~same~~ services of the aforesaid officers of their respective Houses which shall be a sufficient voucher on which to pay the same.

Which resolution on motion of Mr Farrelly was laid on the table.

Mr Smith gave notice that he would, on tomorrow ask leave to introduce a bill concerning Bail in Civil Suits.

Mr Smith who voted in the affirmative on the Bill regulating the salary of Prosecuting Attorney asked leave to reconsider his vote which was rejected by the House

On motion of Mr Martin, Mr Fishin was added to the Select Committee on the petition of John H Taylor, Sheriff of Pulaski County.

~~On motion of Mr Farrelly~~ The Council adjourned.

Wednesday Nov 6

The Council Assembled

Mr Farrelly from the Committee on the Judiciary reported a Bill to be entitled "An act supplementary to an act to define in part the duties of Sheriffs & Constables, which was read the first time & ordered to a second reading

Mr Caldwell from the joint committee on Enrollments reported that that committee had examined the following Bills & found the same to be correctly enrolled viz. "An act supplementary to the Acts appointing commissioners for building a jail in Arkansas County" "An act for the relief of Robert Crittenden" "An act for the electing County officers in the County of Greene" "An act temporarily to locate the seat of Justice in the County of Monroe"

Mr. Bosman from the select committee to whom was ~~referred the subject of Bank, exchange, & Brokers offices, &c~~ reported a Bill to tax all Banks of discount & deposite, exchange loan or brokers offices in the Territory of Arkansas" which was read the first time & ordered to a second reading

Mr. Martin from the committee to whom was referred the Petition of John H. Taylor, Sheriff of Pulaski County, Reported "A Bill for the relief of John H. Taylor, Sheriff of Pulaski County" which was read a first time & ordered to a second reading

Mr. Bosman asked & obtained leave to introduce a "Bill changing certain revenues" which was read the first time & ordered to a second reading

Agreeably to notice previously given, Mr. Smith introduced A Bill to be entitled "An act to regulate Attornies fees, which was read a first time & ordered to a second reading."

The Bill from the House of Representatives entitled "An Act for the relief of J. F. Robinson" was read a first time & ordered to a second Reading

The Bill to be entitled an act to divide the militia into Brigades was read a second time & ordered to be engrossed & read a third time to-morrow.

The Bill entitled "An act requiring the owners of Mills in Jefferson County to keep their flood gates down" was read

a second time. On motion of Mr. Caldwell, the rules of the Council were dishursed with & the Bill was ordered to its third reading & passed & sent to the House of Representatives for concurrence

The Bill for the relief of the Sheriff of Monroe County was read a second time. On motion of Mr. Farrelly the Bill was amended & ordered to be read a third time to morrow.

On motion of Mr. Calaway, the Bill to define the boundaries of Hot Spring County, was taken up & read the second time

Mr. Thompson moved & amendment to the Bill which was adopted. Mr. Martin then offered an amendment which was adopted, & the Bill ordered to be engrossed & read a third time to morrow.

On motion of Mr. McLean. The Bill for the relief of the infant heirs of Benjamin Cooper deceased was read a third time. & the Bill was rejected

The enrolled Bill from the House of Representatives, entitled "An act to alter & establish the South Eastern boundary line of the County of Izard" was read a third time & passed and sent to the House of Representatives.

The Bill entitled "an act to dissolve the bonds of matrimony between Joseph Murphy & Elizabeth Murphy, was read the first time. Mr Wolf moved to lay the Bill on the table, which motion was lost. On motion of Mr. Jones. the rules of the Council were dispensed with & the Bill ordered to its second & third reading. On the question being put "shall the bill pass?" Mr Thompson called for the yeas & nays. when the question was decided in the affirmative as follows.

Yeas. Messrs. Clark. Jackins. Jones. Hazlewood. McLean Sinclair. Smith. Thompson & Tidwell—9

Nays. Messrs. Bosmen. Bean, Calaway. Caldwell. Day.

Farrelly. Moore, Martin, Wolf & Mr President. 10.

On motion of Mr Kuykendall, the Bill entitled "An Act to compensate persons who destroy wolves was taken up & read the third time. Mr. Wolf offered to amend the Bill by adding panthers, cats & catamounts, which was adopted. Mr Jadkins offered an amendment by adding - weasels, minks opossums & rats, which was rejected. An amendment was made to fill the blank with the sum of fifty cents, which was adopted.

Mr. Bozman moved to ~~amend~~ lay the bill on the table until the first day of January next, which was rejected by a vote of 11 votes to 9. Mr. Clark then moved to commit the Bill to a select committee, which was rejected — The question then recurred on the final passage of the Bill. On the question being put. "Shall the Bill pass?" Mr ~~Clark~~ Bozman called for the yeas and nays which were as follows.

Yeas. Messrs. Calaway, ~~Caldwell~~. Kuykendall, Sinclair & Thompson. 4.

Nays. Messrs. Bozman, Bran, Clark. Duty. Eleate. Fickelin. Farrelly. Jadkins, Moore, Martin, McKean, Smith, Tedwell Wolf & Mr. President. 15. So the Bill was rejected.

Mr. Smith agreeably to notice previously given, introduced a Bill entitled "An act to regulate the fees of County Surveyors" which was read the first time & ordered to its second reading.

Mr. Smith agreeably to notice previously given, introduced a Bill concerning bail in Civil suits — which was read the first time & ordered to its second reading

The engrossed Bill concerning roads & highways was read a third time & passed & sent to the House of Representatives for concurrence

The engrossed Bill from the House of Representatives entitled "An Act to authorize the administration on the estate of John F. McCracken from this County of Clark to the county

of Pulaski, was read a third time. On motion of Mr. Farrelly the title of said Bill was amended, and the Bill passed & was sent to the House of Representatives.

The engrossed Bill from the House of Representatives, authorizing the removal of the administrations on the estates of Isaac Pennington & A.G. Johnston dec'd from the county of Union to the County of Jefferson; was read a third time & passed. & returned to the House of Representatives

The Bill from the House of Representatives, authorizing the heirs of Christian Beingle dec'd to sell Lands in Arkansas County was read a third time & passed & returned to the House of Representatives.

The Bill from the House of Representatives, entitled "an Act to dissolve the bonds of matrimony between James Smith & Clara Smith alias Clara Roundtree was read a third time & on motion of Mr Farrelly was ordered to lie on the table until to morrow

The Bill entitled "An Act to repeal an Act concerning the selling of spirituous liquors to soldiers" was read a third time and passed & sent to the House of Representatives for concurrence

Mr Judkins, agreeably to notice previously given, introduced a Bill "for the relief of certain mechanics" which was read the first time & ordered to a second reading.

On motion the House resolved itself into committee of the whole on the Bill from the House of Representatives, supplementary to act concerning taking the Territorial census; & Mr Bas. rede in the chair; and after some time spent therein the committee rose, & the President having resumed the chair Mr Bassett reported that the Committee had according to order had said Bill under consideration; that they had gone through the same & instructed him to report the same with amendments — which amendments were adopted by the council & the Bill ordered to

its third reading to-morrow

The following resolution was offered by Mr. Farnsley which was ordered to lie on the Table

Whereas it appears to this General assembly That a large number of tracts of Land have been entered at the different Land offices in this Territory under donation claims, preemption rights, purchase & private entry, On which patents & patent certificates have been issued, & the same are subject to the payment of Territorial Tax by the laws of ~~this Country~~ Territory - but the owners thereof have neglected to give in the said Lands to the Sheriffs for Taxation, to the great injury of the Territory & affecting the ~~Income~~ Revenue thereof. Therefore be it resolved by the general assembly of this Territory, That the Registers of the Land offices now established, or that hereafter may be established in this Territory, be requested to transmit annually to the Sheriffs of the different counties within their respective Land districts, an abstract of all Lands that may have been patented or for which patent certificates may have issued, with the names of the owners & the metes & bounds of said tracts as defined by the public surveys of the United States

Mr Farnsley rose & obtained leave to introduce a Bill to be entitled "an act to compel the clerks of the Circuit & County Courts, to transmit the Tax lists & other vouchers to the Auditor" which was read the first time & ordered to a second reading.

And the Council adjourned

Thursday Nov. 7th

The Council assembled

Mr. Caldwell from the Joint Committee on Enrollments

reported that that Committe had examined the following Acts & found them to be correctly enrolled, viz. "An Act to alter & establish the Southern boundary of Izard." "An Act authorizing the heirs of Christian Bringle to sell Lands in Arkansas County."

Mr Smith from the Select committee to whom was referred the Bill defining the duties of officers in this Territory, reported the said Bill with ~~a~~ an amendment, which amendment was concurred in. On motion of Mr Farrelly the Bill was read a second time & ordered to be engrossed & read a third time tomorrow.

Mr. Farrelly from the Committee to whom was referred the Bill for the relief of Benjamin F. Howard, Sheriff of Conway County reported the said Bill without amendment, which report was concurred in by the Council.

On motion of Mr. Thompson the rules of the Council were dispensed with & the Bill was ordered to its 3d reading & passed & sent to the House of Representatives

On motion of Mr Bonnell, the resolution from the House of Representatives, making appropriation for pay of the officers of the Legislature, was taken up— and On motion of Mr. Farrelly the resolution was committed to a select committee of Messrs. Farrelly, Ficklin & Redwell.

A Message from the House of Representatives by Mr. Hadyseth Mr President— I am instructed to inform your Honorable body, that the following Bills have been introduced into the House of Representatives, to wit. "A Bill to be entitled an act concerning the non attendance of witnesses when they have been regularly subpoenaed to attend any circuit Court." "A Bill to be entitled an act more particularly defining the duties of the several Sheriffs & clerks, in relation to the return of the assessment, and the filing the Tax list, with the Treasurer and for other purposes" "A Bill to be entitled "an act supplemental to the location of seats of Justice." A Bill

to be entitled "An Act supplementary to an Act, entitled an act to enable judgment creditors to collect their debts with more facility." A Bill to be entitled "An Act to regulate the militia of Van Buren County & to apportion the public debt of the Counties of Conway and Van Buren & for other purposes" A Bill to be entitled "An Act to incorporate the Bank of Arkansas." A Bill to be entitled. "An Act making provisions for calling a convention, preparatory to the Territory going into a State government."

On motion of Mr. Farrelly, the resolution accompanying the report of the committee on the Books of the Auditor & Treasurer was adopted by the Council & the House of Representatives, informed thereof.

A message from the House of Representatives by Mr. Whitten Mr. President— I am instructed to inform your Honorable body, that the following Bills have been introduced into the House of Representatives, to wit: A Bill to be entitled "an Act supplementary to the Laws governing administrations." A Bill to be entitled "An Act to incorporate the Trustees of the Presbyterian Church in the Town of Little Rock." "A Bill permanently to locate the seat of Justice of Pope County." A Bill to be entitled "An Act changing the times of holding courts in the first judicial circuit." A Bill to be entitled an Act to define in part the bounds of Jefferson " A Bill to be entitled "An Act to incorporate the town of Helena." A Bill to be entitled "An Act supplementary to the laws on Roads & Highways" A Bill to be entitled "An act to repeal the 6th Section of an act to repeal the penal laws in this Territory concerning writs of certiorari & for other purposes." A Bill to be entitled "An Act supplementary to an act regulating the fees of Sheriffs & for other purposes." A Bill to be entitled "An Act for the relief of the Sheriff of Jackson County." A Bill to be entitled "An Act concerning the summoning of Witnesses." A Bill to be entitled "An act for the selection of a site & the erection of public buildings in the county of Pike." A Bill to be entitled An act to change the time of holding the Circuit Courts in the fourth judicial circuit." "An

Act for the benefit of mechanics." A Bill to be entitled "an Act regulating the times of holding Circuit Courts in the second Judicial circuit."

The Bill entitled an Act supplementary to an act to define in part the duties of Sheriffs & Constables was read a second time. On motion of Mr. Clark, the bill was ordered to be committed to a committee of the whole & made the order of the day for to-morrow.

The Bill to regulate Attornies fees, was read a second time. Mr. Thompson moved to lay the Bill on the Table until the 1st day of October next. On the question of laying the Bill on the Table, the Yeas & nays were called for which was decided in the affirmative as follows

Yeas. Mssrs. Bonner. Bean. Calaway. Doty. Ficklin Farrelly, Monroe Sinclair, Thompson, Tidwell, Wolf & Mr. President. 12.

Nays. Mssrs. Anderson. Clark. Lindsey, Mayfield Martin and Smith—5—

The Bill for the relief of the Sheriff of Pulaski County was read the second time— and On motion of Mr Martin was laid on the Table, until to-morrow.

The Bill changing certain revenues was read a second time. & On motion of Mr Bonner was committed to a committee of the whole and made the order of the day for to-morrow.

The Bill entitled An Act to tax all Banks of deposite & discount exchange loan & brokers offices in the Territory of Arkansas" was read a second time. On motion of Mr. Bonner the Bill was committed to a Committee of the whole House & made the order of the day for to-morrow.

The engrossed Bill to divide the militia of the Territory of Ark. Arkansas. was read a third time. Mr. Wolf offered an amendment to the Bill which was rejected. On motion of Mr. Elliott the Bill was amended by adding another section. On the question being "Shall the Bill pass?" Mr Farrelly called for the yeas & nays which were decided in the affirmative as follows.

Yeas Messrs. Bean Calloway, Caldwell, Duty, Elliott, Ficklin, Judkins, Kayskendale, Martin, McKean, Sinclair, Smith, Tedwell & Mr. President: 14

Nays Messrs. Bonnell, Farrelly, Moore, Wolf— 4

Mr. Farrelly offered the following Resolution. Resolved that in the Election for Auditor & Treasurer and Justices of the Peace, the Legislature, Council & House of Representatives when convened for the purpose, shall proceed to vote by viva voce, in the same manner & under the same Rules adopted by the Legislature, in the session of 1831. which Resolution was adopted by the Council & the House of Representatives informed thereof.

The Bill to regulate the Fees of County Surveyor was read the second time. Mr. Sinclair moved that the Bill lie on the Table un til a day beyond the session. On the question of Laying the Bill on the Table— Mr. Smith called for the yeas and nays which was decided in the affirmative as follows

Yeas. Messrs. Anderson, Bonnell, Calloway, Duty, Elliott, Farrelly, Kayskendale, Moore, Sinclair Thompson, Wolf & Mr. President— 12

Nays Messrs. Clark, Caldwell, Ficklin, Judkins, Martin, McKean, Smith & Tedwell. 8—

The Bill concerning bail in Civil suits, was read a second time. On motion of Mr. Clarke it was committed to a committee of the whole & made the order of the day for to-morrow—

On motion of Mr. Anderson, Mr Smith was added to the Select committee on the Bill concerning runaway slaves

The Bill entitled "An Act to compel the clerks of the Circuit & County Courts to transmit the tax lists & other vouchers to the auditor, was read the second time & committed to a Committee of the

whole & made the order of the day for Saturday

On motion the Council resolved itself into Committee of the whole on the Bills supplementary to the Laws on Attachments. Mr Moore in the chair; & after some time spent therein the Committee rose & the President having resumed the chair, Mr. Moore reported that the Committee had according to order had said Bills under consideration, that they had gone through the same & instructed him to report the same with the following amendment, viz Strike out the first section with the enacting clause which amendment was concurred in by the Council and the Bills was rejected.

A message from the House of Representatives by Mr Tucker Mr President — I am instructed to inform your Honorable body, that the House of Representatives has concurred with the Legislative Council, in the adoption of the Report & resolution of the Committee appointed to examine the Auditor's & Treasurer's books — and also the House has agreed to the amendments made by the Legislative Council to the following Bills to wit: "An act to authorize the removal of the administration on the estates of Isaac Pennington & Sarah G. Johnston dec'd from the County of Union to the County of Jefferson

The Bill entitled "An Act to repeal an act concerning confession of Judgments" was taken up. And on motion of Mr. Smith the Bill was ordered to lie on the table until Saturday

On motion of Mr. Farrelly, the communication made to the Legislature by the Secretary of the Territory, with the accompanying documents — was referred to a select committee consisting of Messrs Pickslin, Farrelly, Clark, Smith & Brand

The engrossed Bills entitled "An Act, exempting ministers of the Gospel from serving as grand or Petit Jurors" was read a third time & passed & sent to the House of Representatives for concurrence

The Bill ~~from~~ for the relief of Lafayette Jones, late Sheriff of Monroe County, was read the third time & passed & sent to the House of Representatives for concurrence

A message from the House of Representatives by Mr. Dixon Mr. President I am instructed to inform your Honorable body that the House of Representatives has agreed to the resolution from the Council respecting the election of Auditor & Treasurer & Justices of the Peace.

The engrossed Bill from the House of Representatives entitled "an Act supplementary to the several Laws now in force, regulating the mode of taking the Territorial Census; was taken up & on motion of Mr Bean. it was laid on the table until to-morrow.

On motion of Mr. Smith the Bill regulating revenue Laws was taken up. Mr. Sinclair offered an amendment which was adopted. And on motion of Mr. Clark the Bill was ordered to lay on the Table until a day beyond the session.

The Bill to dissolve the Bonds of matrimony between James Smith & Clara Smith alias Clara Ramelton, was read a third time. On the question "shall the Bill pass?" Mr. Smith called for the yeas & nays, which was decided in the affirmative as follows

Yeas. Messrs. Bean, Clark, Calloway, Doty, Farrelly, Jadkins, Moore, McLean, Sinclair, Thompson, Tedwell & Mr. President — 12 —

Nays. Messrs. Bonnell, Martin, Smith & Wolf — 4

So the Bill passed & was sent to the House for concurrence

Then the Council adjourned

Friday Nov. 8

The Council Assembled.

Mr. Caldwell from the Joint Committee on Enrolments Reported, That that Committee had examined the following Acts & found the same to be correctly enrolled, viz. "An Act to authorize the removal of the administration on the estate of Isaac Pennington & A. G. Johnston decd from the County of Union to the County of Jefferson." "An Act to authorize the removal of the administration on the estate of John T. M. Cracken decd to the County of Pulaski."

Mr. Smith from the Select committee to whom was referred the Bill entitled "An Act requiring Sheriffs to expose to sale lands, at no other time than during the sitting of the Circuit Court of the respective Counties" Reported the same with Amendments. On motion of Mr Wolf the Bill was ordered to lie on the table until the first of January next.

The engrossed Bill to define the boundaries of Hot Spring County, was taken up & read a third time & passed & sent to the House of Representatives for concurrence

The Bill for the relief of the Sheriff of Pulaski County was read a third time & passed & sent to the House of Representatives for concurrence

The Resolution offered by Mr. Farrelly on Wednesday last & laid on the table, was taken up & adopted & sent to the House of Representatives for concurrence

A message from the House of Representatives by Mr. Hudspeth

Mr. President — I am instructed to inform your Honorable body that the Bill to be entitled "An Act to dissolve the bonds of matrimony between Rebecca Ann Belding & Samuel Belding" has passed the House of Representatives & is herewith returned. "A memorial praying an amelioration of the Laws in force respecting Land Sales, and the entering of the Lands &c. has passed with amendment & is herewith returned.

of the concurrence of the Council is asked to the amendment. And also. I am instructed, in compliance with the request of the Council to inform your Honorable body of the Acts & Memorials that has received the Executive approval. The message receivid from his excellency the Governor on that subject are herewith presented for the use of the Legislative Council

On motion of Mr. Farrely, the Bill, entitled an act providing for the redemption of Lands stricken off to the Territory for non payment of Taxes, was taken up. and On motion of Mr. Farrely was committed to a select Committee. composed of Messrs. Farrely, Clark & Ludkins.

A message from the House of Representatives by Mr. Clark

Mr. President — I am instructed to inform your Honorable body, That the House of Representatives have passed the following Bills to wit. An act to authorize John McElhany to hawk & peddle goods in this Territory." "An act Permanently to locate the seat of Justice of Yuba County, & for other purposes." "An act for the relief of the Sheriff of Phillips County." which are herewith transmitted, & the concurrence of the Legislative Council is asked thereto.

A message from the House of Representatives, by Mr. Sayles

Mr. President I am instructed to inform your Honorable body that the House of Representatives is now ready to proceed to the election of Auditor & Treasurer & Justices of the Peace & ask your attendance in the Hall of the House of Representatives for that purpose

On motion the Legislative Council then repaired to the House of Representatives for the purpose of electing by joint vote of both Houses an Auditor & Treasurer & Justices of the Peace for the Territory

☞ For the proceedings of the joint balloting & a list of the officers elected, see ~~this days proceedings of the House of Representatives~~ next page

The Legislative Council having returned to their chamber
On motion — the Council adjourned.

NOTE

On motion of Mr Caldwell the following proceedings and messages were ordered to be spread on the Journals.)

The following are the proceedings of the Joint Houses and the list of Officers chosen referred to above.

The Joint Houses went into an election of Treasurer viva voce as before resolved.

Mr Byrd nominated Saml M. Rutherford. Mr Farrelly nominated James Faulk the present incumbent and the vote stood as follows. Of the Council those who voted for Mr Rutherford were Messrs Alexander, Elliott Ficklin, Judkins, Jones, Lingkendall, Moore, Martin, Smith, Thompson, Trowell, & Mr President. 12. Those who voted for Mr Faulk were Messrs Anderson, Boswell Bean, Clark Callaway, Caldwell, Dicty, Farrelly, McKean, Sinclear, Wroy. 11

Those of the House of Representatives who voted for Mr Rutherford were Messrs Alexander, Byrnside, Byrd, Burt, Dixon, Garrett, Hudspeth, Hammond, Ragan, Roberts, Sayers, Shaw Tucker, Talbot, & Mr Speaker. 15. Those who voted for Mr Faulk were Messrs Bourg, Buzzard, Clark, Hill Hanks, Mapes, Martin, Stillwell Timmins & Whitson. 10. Total amount of votes, for Rutherford 27, Faulk 21 Mr Rutherford was declared duly elected Treasurer of the Territory of Arkansas.

The Joint Houses then went into an election of Auditor for the Territory.

Mr Elliott nominated Mr William Pelham, Mr Mr Byrd nominated Robert A Watkins and Mr Farrelly nominated Emery Wilson.

And the votes stood as follows. For William Pelham of the Council Messrs Alexander, Elliott, Jones, Smith, Trowell & Mr President 6.

for Robert A. Watkins Messrs Franklin Kuykendall Martin & Wolf. 4. For Emry Wilson Messrs Anderson Boswell, Bean, Clark, Calhoun, Caldwell, Duty, Farrelly, Judkins, Moore, Mc Kean, Sinclear & Thompson 13. Of the House of Representatives, those who voted for William Pelham were, Messrs Alexander, Burt, Dixon, Garratt, Hudspeth, Hammond, Ragan, Sayers, Shaw, Tucker, Talbot Timmin & the Speaker. 13. Those who voted for Robert A Watkins were, Messrs Byrnside, Byrd, Martin & Rutherford. 4. Those who voted for Emry Wilson were Messrs Bonny, Bozard, Clark, Hill, Hanks, Haynes, Roberts, Stallwell & Whitson. 9
So the joint vote stood, for William Pelham 19. For Robert A Watkins 8 and for Emry Wilson 22.
It being declared that there was no choice, Robert A Watkins was withdrawn, and the two Houses proceeding again to vote. Those of the Council who voted for William Pelham were Messrs Alexander, Elliott, Ficklin, Jones, Kuykendall, Martin, Smith, Stowell & the President. 9
Those who voted for Emry Wilson were, Messrs Anderson, Boswell, Bean, Clark, Calhoun, Caldwell, Duty, Farrelly, Judkins, Moore, Mc Kean, Sinclear, Thompson & Wolf. 14.
Those of the House of Representatives who voted for William Pelham were. Messrs Alexander, Byrnside, Byrd, Burt, Dixon, Garratt, Hudspeth, Hammond, Ragan, Rutherford Sayers. Shaw, Tucker, Talbot, Timmin & the Speaker. 16.
Those who voted for Emry Wilson were, Messrs Bonny, Bozard, Clark, Hill, Hanks, Haynes, Martin Roberts, Stallwell and Whitson 10
So the whole number of votes stood. for William Pelham 25
For Emry Wilson 24. And William Pelham having a majority of all the votes given was duly declared elected Auditor of the Territory of Arkansas

The Joint Houses then went into the Election of Justices of the Peace for the several Counties in the Territory, and the result was as follows:

1

For Arkansas County

Abraham Knowlton.
David Mifford
Stephen Harris
Rufus S Mixture
John Mc Lean
William S Grooms
John Wilkinson
James Maxwell
Richmond Peeler
Benjamin L. Haller
John Maxwell
Eni Malbafs
John Harris
Henry J Mc Kinsey
Thompson Simpson
Thomas C. H. Gantt
Lewis J Dixon
William Pugh
James S. Clayton
Thomas Garrison.

No 2 additional for Ark County

Henry Brewer
John Dixon
John Hughes
William Hancock
John Speirs
Washington Sorrells
Elijah Kelly
William Kelly

2

For Conway County

John Kilburn
John Linton
Bennett B. Ball
John S. Ball
Jesse Roberts
Thomas Cherry
Robert Mc Call
William Wiley
Richard Griffin
Thomas Yates
William Hamby
Reuben J Blount
Hugh Foote

3

Clark County

James Ward
Benjamin Lewis
Abner L. Thornton
Reuben Cook
William James
Abraham Ellis
Moses Moore
Matthias Edes
Archibald Rutherford
Isaac Ward
Alexander Coe
Jonathan Callaway
Winthrop Colvert.

Van Buren (6)

John A Ike
Miles Morrison
Russell Bates
William Doherty Jr.
William Risner Sr.
John L Lafferty
David Brett

Choctaw (5)

Samuel Hoerton
Lewis Johnson
B. C. Weir
Stephen Gaither
Nicholas Faulkner
John White
James Mc Kinney
James Estill
Thomas Young
John Copeland
James Blaine
John Mathis
Daniel Ferrell
Joel White
Silas R Gilmore
Nicholas Cottlen
Thomas Meriwether
Elias Jones

(6)

Crawford

Jesse Turner
Elihu Jay
Matthew Moore
Gibson Stagner
Joshua Fisher
John Moore
Thomas Sinclear
Thomas Tixon
Robert Burton
Andrew Moran
John Shannon
David Morby
John Harrel
Eli Bell
James Timms
Isa Smoot
Henry Mahon
Dixon Collins
Joseph Rogers
Wm Whitsell
Alfred Henderson
William Hamilton
Hance M. Mahen
Benj Dyer
James Gilreath
Marcus Logan
Thomas Belcher

Allen Thompson
John Hammond
Robert Sinclear
Lindley Johnson

Crawford continued

Cyrus Parkes
Lyman B Walker
Robert Cothran
James Riley
Abraham Heck.

(7)

Crittenden

H. D. Oden
J. R. Cherry.
Oliver Wallace Sr.
John Robinson
Elijah King
Joseph L. Keely
William A. Hanson
John M. Peebles
John R. Lanes
John Holloway
Thomas Fletcher
David Hankerson
Isaac Burgett
Waitman Goodin
Thomas Phoebus
Wm Hagan
John Rogers
Robert Hankin
Thos Neill
John Fry
P. G. Peeres
Edwin Peeres
E. F. Lloyd
P. A. Swain
William Barrington

(8)

Union.

James R. Moore
Allen H. Hinton
Benjamin S. Sloan
William Hargrave
John Waite jr.
Joseph Reedy
Reedham Reynolds
David Rusbell
Thomas Franklin.
Charles Smith
Samuel McKinney
James C. Gross
James Walters
John Washington Franklin

Hempstead (9)

Robert Baker
David Fleet
John Pettigrew
John Cooper
Joseph Stuart
Pleasant H. Burton
Matthew Fountain
William Reed
Jonathan Black Jr
John Griffin
Archibald McDonald
Nathan D Smith.
John Baird
Hosea Madding

(Continued)

Hempstead continued

Allen M Oakley
John Robinson
James Wood
Michael Mallon
Willis Dillard
John W Williams
William Simmons
James Smith Jr
William Lawrence
Simon Patterson
James Cantley
William Beatty
Calvin Mary
Willis Wilson.

Tot Spring

John Williams
Samuel W Rayburn
Moses Mitchell
Hiram G Clift
Warren Dunham
H W Sabine
David Bassett
Philip S. Chypick
H A. Whittington
Thomas Holman
Cumberland Polk
William Irons
Taylor Polk
Isaac Robinson
George W Rogers
James Polk
Lewis Bennet

John Wells
Benedict Horel

Jervier (16)

Mark Jones
George Holbrook
Joseph McCravens
John M. Wilson
Green Orr
George W. McClendon
Robert Hamilton
Lorenzo French
Richard Davis
Reuben Ratcliff
David Horan
Wm A Blankenships
Morris Rutland
Charles Pettigrew
James. Holman
William Wright
James Wright
Benjamin Starr
Benjamin Rutter
Phillip. T Kearney

Independence (12)

James Boswell
Richard Peel Jr.
Austin R Laherty
James Davis
John Tyler
Peyton Tucker
James McBride

John W Chisholm
Ambrose Caldwell
William Arnold
Pleasant Gurney
Isaac Robertson
Benjamin Watson
Thomas Tyler
William B Kerr.

Land (13)

William King
William Watkins
Aaron Roberts
Thomas H. Clark
William Keith
Samuel Bristor
Joseph Baker
George Campbell Jr.
James A Criswell
Benjamin H Elmore
James B Neal
Ann Langston
Rhoda Ashley
Asa McFelch
Absalom Langston
Hugh Elmore
James M. Landrey
James H Cothran
Beverly R Baker
Charles J Cot.
Lewis R Wells
Eli Ward
Berry D Graham
Charles McArthur

Jrard continued

William Wood Jr.
Joseph Rea
John E. Stallings
Bowman Turney
John Hudson.

Jackson (14)

Adam Alkansy's
William Milton Jr
Joseph Bridgeman
John Robinson.
George Robinson
William Means
John C. Sayers
David C. Waters
John Wood
Rowland Lowell
Joseph Hayden
William Mauny
Isaac Haney Jr
William Nicholson
Israel Wood
John Herod
Pleasant C. Bean.

St Francis (15)

William Enos
John Douglas
Henry Street
Sterling Brown
James A Fisher
Cornelius Davis

St Francis continued

William McGilberson
John Mc Daniel
Mark W Izard
Chesley Bankes
Archibald May
John Blackwell
Harry Carr
Ajax Tyer
Geo W Stokes
Sterling Shepherd
James C Shaver
Sherard Rorard
William G Bozman

Monroe (16)

James P[illegible]
Samuel Raney
Henry A Rorer
John King
James Wythe
Jesse Mc Laughlin
Joseph Coots
John D. Montgomery
John Evans
John Goings
Michael Mitchell
William Ayram.

Jefferson (17)

Edmund Fowler
Robert Mason
Enos Taylor
John E Pennington

Jefferson continued

Thomas Bayless
Samuel C. Roane
James Edington
William G Walker
William Magness
Nehemiah Holland
Medians R. J. Outlaw.

Lawrence (18)

Alfred L Sloan
Daniel Williams
James C Lloyd
Alexander Henderson
Thomas Mc Carroll
William Newland
James Raney
John F Boothe
Solomon Hudspeth
Joseph B. Rickman.
Daniel Martin
Jonathan Hardin
George Mercer
Charles Buster
Caspar Schmick
John B Hammond
Thomas L Drew
Benjamin Drew
Isaac Love
William Rice
William Shuttlefield
William Everett
Burrell Riley
Edward Mc Donald
Joseph Spikes.

Lawrence continued

Peyton R Pitman
John A Cochran
Samuel Moore
Charles Robertson
John B Townson
Nicholas Harris
James Mann
Isaac Brookfield
Abram Nash
Robert Polly
Greenup Hall
Samuel Gilky
William A Wood

Lafayette (29)

Geo R. Doody
Fleetwood Herndon
Davidson Bradley
Jesse Dougad.
John Bradley
Franklin Stuart
Andrew Hembree
Asa Buzzard
Richard H Finn
George Brinlee
George Ruddle
Thomas ~~Brantley~~ Daughtery

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Miller (20)

Samuel Worthington
Geo W Wright
Travis G Wright

Miller Continued

James Anderson
James W Green
Gabriel N Martin
John Stiles
James S Ward Jr
Nathaniel G Pettendrew
John Morton
Charles Burkham
Mosac H ~~Lowes~~
Wesley Mc Kinney.

Pulaski. (21)

John Magness
William Britton
John Arnold
Benjamin W Cochran
John Mc Pierson
Samuel Newell
Daniel Greathouse
James Erwin
Thos King
William Saunders
Thomas B Erwin
James Saunders
Isaac Baldwin
Thomas Ives
Isaac Stone
John Douglas Jr
Samuel H Hutchison
Jesse Brown.
Bailey D Mastin
John H Cooke
William P Peyton
Isaac Sutton

Pulaski Continued

William Hutchison
Jesse B Bardwell
Francis A Mc Williams
James C Martin
Smith Kealum
Rudolph N Roland
James Graham
Alexander Stinbuck
Eli Lindsey
John Greathouse
William Field
Robert M Watkins
John Lockhart
Ezra N Erwin
Reuben Davis
Benjamin Williams
Richard Brazill
Valentine Brazill
Silas Dodd
James Hester
Kaisey Bruden.

Phillips (12)

Eli Lewis
George W Faeber
John R Crawford
Wm H. Calvert
George W Martin.
Peter Edwards
James C Fleming
John Martin
Enos Pickens
Henry Kimball
~~Lorenzo Clark~~
Landon C Clark

James Hanks
Samuel Swan
Elijah Mc Nabb
Dodson Sharp
David Briggs
Zimri Barney
John W Cooper
Samuel Turner
Reding Offutt
Robert W Barnett

Pope (23)
Jesse L Graves
Charles Hickey
John W Patrick
James Pearce
Wesley Garrett
William Johnson
Josiah Perry
James Lofan
John Lott Sr.
Alexander Rose
William Sadler
George Jameson
Madison Brown
Henry Summitt
John Horton
James Vincent
Joseph Hickman
Robert A Lopen
Kirkwood Potts
John McCarty
John J Smith
Benjamin Langford

Mahlon Beverly
Samuel Leonard
Mark Robertson
Dempsey Brown
Thomas Murray

Washington (24)
Jacob Chandler
John W Hunton
John S Stone
Pleasant Rhea
John Curenton
John Reed
John Coal
Henry Curenton
William Stevens
William B Moody
Henry Funkhouser
John B Walker Sr.
Daniel Thompson Sr.
John D Moore
John Arnett
Samuel Billingsley
William W. Wood
Nathaniel Bynum
James W Cowen
John Blair
John L Turner
William J Wilson
John Wilson Sr.
B F Smithson
Alexander W Swaney
John C Sumner
James Brandon

Forman Tuttle
Lee C Blakemore
Wm Y Mc Ball
Littlebury Mason
James G Stephenson
Ewen P Craig
Robert Mc Clung
Thomas P Duckworth
David Williams
James Johnston
Daniel Vaughan
James Boran
Graham Jackson
Isaac Crow
Richard Withrow
Joseph Mc Murray
John M Graham
Francis Dunn
Thomas Mc Cristain
Jesse Armstrong
Stephen Sallee

After the original list for Crittenden County had passed the joint Houses Mr Martin of the House of Representatives moved that it should be reconsidered, which was done. He then moved that the name of Matthew Spurlock be stricken off, which motion was carried.
On motion that the House should agree to the nomination from Pulaski, Mr Speaker presented a petition against the nomination of Elijah A Moore, and Mr Byrd presented one in his favor which were read.
Mr Clark moved to strike the name of Elijah A Moore from the list. The ayes and noes were called for on the question and were as follows. Ayes 24. Noes 19. And the name was stricken off.

The Messages from the Governor referred to which are as follows.

No 1.

Mr Speaker

I have the Honor to inform your Honorable Body that the Governor did on yesterday, approve and sign the following Memorials to the President and Congress of the United States.
A Memorial to the President of the United States praying for the removal of the troops of the United States from Fort Gibson to Fort Smith, or some other more suitable point on the Arkansas River and within the borders of this Territory
A Memorial to Congress, praying for an appropriation of 25,000 dollars for the purpose of making a road, commencing at Miller Court House on the South side of Red River thence running about 20 miles in a course North East, so as to cross the River at or near the point where the Choctaw line strikes said River, thence running parallel to the said Choctaw line about 130 miles, so as to cross the Arkansas River at or near Fort Smith, and thence still parallel with said Choctaw line, so

as to strike the Missouri State line, near the southwest corner of the State, making the whole length of said road 230 miles

A memorial to Congress praying for an additional appropriation of 25.000 Dollars, to complete the road between Memphis and Little Rock, from Strong's to Little Rock.

Also an act entitled an Act in amendment of an Act passed at the last Session of the Legislature authorizing Emry Wilson to erect and keep a toll bridge across the Palarm Bayou in Pulaski County

Communication (No 2) from the Governor by J. P. Field. Pres. Speaker

I am instructed by the Governor of this Territory, to inform your Honorable Body, that he has on this day approved and signed the following Bills

An Act for the relief of John Williams of the County of Phillips

An Act Supplementary to an Act, entitled An Act to locate permanently the Seat of Justice in the County of Lafayette

An Act to erect and establish the County of Green.

An Act to dissolve the bonds of matrimony between Sarah Ann Ginnis and her husband Cornelius Ann Ginnis.

And that he has also on this day approved and signed the following Memorials.

A Memorial to Congress praying an appropriation of three thousand dollars, to open a road from the West Bank of the Mississippi at the mouth of the Arkansas River, via Post of Arkansas, to intersect the Memphis and Little Rock road at Mrs Black's.

A Memorial to Congress praying for the location of a new and distinct, and the passing a land office at Helena.

A Memorial to Congress praying for an appropriation of ten

thousand Dollars to open a road from Little Rock to the Choctaw line in the direction of Fort Towson.

A Memorial to Congress for a canal from Bayou Barthelomew to the Mississippi and for other purposes.

A Memorial to Congress, praying that the Choice of Brigadier and Major Generals be given to the Field Officers of this Territory.

A Memorial to Congress praying for an appropriation of five thousand Dollars, to open a road from Antoine ridge to the Choctaw line in the direction of Fort Towson.

A Memorial to Congress asking an appropriation of $5000 for the repair of the military road from Washington in the County of Hempstead to Fort Towson.

A Memorial to Congress asking for an appropriation of twenty thousand Dollars, to open and survey a road from Dwinnia, the seat of Justice of Chicot County, by the way of Rice Bluff, the seat of Justice of Lawrence County to Little Rock, the seat of Government of the Territory of Arkansas

A memorial to Congress asking for an appropriation of fifteen thousand Dollars for repairing and erecting necessary bridges on the road commencing at the Missouri line, via Jackson, Little Rock, and Washington Hempstead County, to the Southern boundary line of the Territory of Arkansas

Nov 5th 1833.

Communication (No 3) from the Governor by his private Secretary

Mr Speaker

I am the Honor to inform your Honorable Body, that the Governor of this Territory did on yesterday approve and sign the following Bills, viz

An Act entitled an Act supplementary to an Act entitled an Act permanently to locate the seat of justice in the County of Chicot.

An Act for the relief of J. C. P. Wilson

An Act for the purpose of building a Gaol in the County of Lafayette

An Act to erect and establish the County of Mississippi.

An Act to be entitled An Act to dissolve the bonds of Matrimony between Maria L. Cole alias Maria L. Stewart, and James Cole.

An Act supplementary to the Law in force for the collection of small debts

An Act Compelling the Treasurer of Hempstead County to pay over one eighth part of the amount of moneys in the Treasury, or that was due to the Treasury of said County, on the 22nd day of October 1828.

An Act to appoint Commissioners, and to levy a tax in the County of Jackson for the purpose of building a Jail in said County.

An act supplementary to the Law, defining the crime of maiming.

An act to repeal in part An act entitled an Act to authorize the removal of the administrators on the estates of Joseph Lane and Joseph Hempendall deceased, to the Counties of Clark & Independence approved the 27th of October 831 and for other purposes

An act to erect and establish the County of Carroll.

An Act supplementary to an Act entitled An act permanently to locate the Seat of Justice in Union County.

An Act to erect and establish the County of Pike.

And, an Act to divorce certain persons.

Also that the Governor do on the same days approve and sign the following memorials.

A memorial to Congress praying for an appropriation to open a road from Mundells Post Office Louisiana to Miller Court House in Arkansas Territory

A memorial praying for an appropriation to open a road from Cheseo in Miller County to Columbia in Chicot County

A memorial praying a reduction in the price of public lands and that certain lands be given up to the disposal of the General Assembly.

A memorial praying an appropriation to remove the Obstructions to the navigation of White and St Francis rivers.

A memorial for a road from Strong's via Litchfield to Batesville

A memorial for an appropriation of seventy five thousand dollars for the removal of the raft of Red River.

A Memorial for a road from Cote a Fabre to the Hot Springs

A Memorial praying for an Appropriation for defraying the expenses of a Digest of the Laws of the Territory.

A Memorial for a road from Jackson in Clairborne County to Fort Smith

Also that the Governor do on this day approve and sign the following Memorials

A Memorial for an appropriation to remove the Obstructions to the navigation of the Washita.

A Memorial praying Congress to give to Occupiers of the original patentees of military bounty lands the right to locate their claims and to locate other lands.

Saturday Nov 9th

The Council assembled.

Mr. Caldwell from the Committee of Enrollments reports that that Committee had examined the following acts & found the same to be correctly enrolled. viz. "An act for the relief of the Sheriff of Phillips County." "An act for the relief of Benjamin F. Howard Sheriff of Conway County." "An act to dissolve the bonds of matrimony between James Smith & Clara Smith, alias Clara Roundtree." "An act dissolving the Bonds of matrimony between Rebecca Ann Belding & Samuel C. Belding."

Mr. Clark from the Select committee to whom was referred the Bill to protect slaves from inhuman & cruel treatment by their masters reports the same without amendment. On motion of Mr. Smith the Bill was committed to a committee of the whole & made the order of the day for monday next.

On motion of Mr Ficklin, the Bill regulating proceedings in Chancery was taken up. Mr Ficklin moved that the Bill be committed to a select committee, which motion was rejected

On motion of Mr. Thompson, the Bill was ordered to lie on the table until the first Monday of Oct next.

The engrossed Bill from the House of Representatives, for the relief of John McElhaney, was read the first time. On motion of Mr Farrelly, the bill was indefinitely postponed

The Bill from the House of Representatives, entitled "an act permanently to locate the seat of Justice of Lyon County & for other purposes, was read the first time On motion of Mr. Wolf the rules of the Council were dispensed with & the Bill ordered to its second & third reading & passed & sent to the House of Representatives

On motion of Mr. Wolf, the Council, concurred in the amendment, made by the House of Representatives, to the memorial praying the Congress of the United States, for an amelioration of the laws in force respecting Land Sales &c.

The engrossed Bill more particularly defining the duties of assessors within this Territory & for other purposes, was read a third time & passed & sent to the House of Representatives for concurrence.

The engrossed Bill from the House of Representatives, entitled An Act supplementary to the several Laws now in force concerning taking the Territorial census, was read a third time. Mr. Farrelly offered the following amendment to the Bill. "Be it further enacted that hereafter, the expenses of taking the Territorial census, shall be paid out of the Treasuries of the respective Counties" Upon which motion (to amend) the yeas & nays were called; and the amendment was rejected by the following vote

Yeas. Messrs. Bonnell, Caldwell, Doty, Elliott, Farrelly, Jennings

Jones & Moore – 8

Nays. Messrs. Anderson, Beard, Clark, Calloway, Ficklin, Martin, McKean, Smith, Thompson, Tedwell, Wolf & Mr. President. 12. The question then recurred on the final passage of the Bill & the Bill passed & was returned to the H. of Representatives

On motion of Mr. Bonner the Council resolved itself into Committee of the whole on the Bill regulating certain revenues – Mr Tedwell in the chair; & after some time spent therein the Committee rose & the President having resumed the chair Mr Tedwell reported that the Committee had according to order, had said Bill under consideration, that they had gone through with the same & instructed him to report the Bill with the following amendment, viz: "to strike out all the first section except the enacting clause." On motion of Mr. Wolf, the Council agreed to the amendment & the Bill was ordered to lie on the table.

On motion the Council resolved itself into Committee of the whole on the Bill concerning Bail in civil suits. Mr. Ficklin in the chair; & after some time spent therein the Committee rose, and the President having resumed the chair; Mr Ficklin reported that the Committee had according to order had said Bill under consideration, that they had gone through the same & requested him to report the Bill with amendments. On motion of Mr. Ficklin the House agreed to the amendments & the Bill was ordered to be engrossed & read a third time ~~to-morrow~~ on Monday

On motion of Mr. McKean, the Council resolved itself into Committee of the whole on the Bill entitled "An act supplementary to an act defining in part the duties of Sheriffs & Constables" Mr. McKean in the chair; and after some time spent therein the committee rose; & the President having resumed the chair. Mr. McKean, reported the Bill without amendments. On motion of Mr Wolf the Bill was then read a third time and passed an

sent to the House of Representatives for concurrence

On motion. the Council resolved itself into Committee of the whole, on the Bill to Tax all Banks of discount, deposite, exchange, Loan & Brokers offices in the Territory" & after some time spent therein the Committee rose, & the President having resumed the chair; Mr. Bossier reported that the committee had according to order had said Bill under consideration, and had instructed him to report the same without Amendment

On motion of Mr. Farrelly. the Bill was committed to a select committee composed of Messrs Farrelly. Fichlin & Smith

On motion of the council resolved itself into Committee of the whole on the Bill intitled an Act to compell the clerks of Circuit & County Courts to transmit the Tax lists & other vouchers to the Auditor. Mr. Smith in the chair — and after some time spent therein the Committee rose & Reported progress & obtained leave to sit again on Monday

The Bill to be intitled "An Act regulating the manner in which judgments shall be confessed" was taken up. and On motion of Mr. Smith was ordered to lie on the Table until Monday.

And the Council adjourned

Monday Nov. 11. 1833

The Council assembled

Mr. Caldwell from the joint committee on Enrollments, Reported that that Committee had examined the following Memorial & act and found the same to be correctly enrolled, viz. "A memorial praying an amelioration of the Laws in force respecting Land Sales and the entering of Lands &c. and "An Act permanently to locate the seat of Justice for Izard County, & for other purposes."

Mr. Anderson from the Select Committee to whom was referred "An act supplementary to the Laws in force concerning runaway Slaves." Reported the said Bill with amendments, which amendments, were adopted by the Council. and on Motion of Mr. Thompson the Bill was ordered to lie on the table until to-morrow.

Mr. Farrelly from the Select committee to whom was referred the Bill providing for the redemption of lands stricken off to the Territory for the non payment of taxes." reported the Bill with sundry amendments. which Bill was, upon motion of Mr. Farrelly, committed to a committee of the whole & made the order of the day for to-day

A message from the H. of Representatives by Mr Byrd

Mr. President I am instructed to inform your honorable body, that the House of Representatives has appointed Messrs Byrd Roberts, Martin and Taylors, a committee to act in conjunction with such committee as may be appointed by the Legislative Council, on a letter from Elijah A. Moore & ask the concurrence of the Council

The letter of Mr. Moore alluded to having been introduced into the Council & read. Mr. Farrelly moved that a committee of four be appointed to act in conjunction with the Committee from the House of Representatives

Mr. Thompson moved to lay the letter, message & resolution on the table, until the first of Oct. next. On the question to lay on the table the yeas & nays were called for, and decided in the negative as follows

Yeas Messrs Bean, Duty, Smith, Thompson & Wolf. 5.

Nays. Messrs. Anderson, Clark, Calloway, Caldwell, Elliott Ficklin, Farrelly, Judkins, Jones, Moore, Martin, McNeal, Tidwell & Mr. President — 14.

The question then recurred on the adoption of the resolution, and the resolution was adopted & Messrs. Martin, Smith, Clark & Anderson appointed a Committee on the part of the Council

Mr Farrelly asked leave of absence for Mr Bosmed until the close of the session — which was granted

An act for the protection of mechanics & laborers was read the second time - and on motion of Mr. Judkins, committed to a ~~committee of the whole~~ & Mr. ~~the~~ Select committee of Messrs. Judkins, Jones & Tidwell.

On motion of Mr Farrelly the Council resolved itself in committee of the whole on the Bill intitled "An Act to compel the clerks of the Circuit & County Courts, to transmit the Tax lists & other records to the Auditor — Mr. Tidwell in the chair, and after some time spent therein the committee rose, and the President having resumed the chair: Mr. Tidwell reported that the committee had according to order had this bill under consideration & had instructed him to report the same without amendment

On motion of Mr. Farrelly the Council then agreed to the report of the Select committee & amendments made by the said committee & the Bill was ordered to be engrossed, and read a third time to morrow

Mr. Farrelly from the Select committee to whom was referred the communication of William L. Sutton, Esq. Secretary of the Territory, & the accompanying documents reported, ~~that the committee have had~~

according to order the same under consideration. The documents before the committee state that a difference of opinion exists between the executive officers of the Territory (Governor & Secretary) in respect to the construction of the acts of Congress granting Sections of Land to the Territory "for the purpose of raising a fund for the erection of a Public Building at Little Rock the seat of Government" and the object in laying the subject before the Legislature, appears to be a desire on the part of the Secretary to elicit an expression of opinion from the representatives of the people, on the acts of Congress relative to said grant. When it is borne in mind that men of the most profound legal information have been known to differ in opinion on the construction of acts of a similar nature, it cannot be considered a matter of much surprise that a difference should exist in the case now before the Committee.

From the peculiar nature & practical operation of our Government the whole duties of the executive devolve on the Secretary as acting Governor in the absence of the chief magistrate; a difference of opinion between these officers, on matters affecting the general interests of the Territory, must be a subject of regret and deep concern with the people, and the Committee acknowledge that it is so with them, but how to reconcile the difference of opinion in the present instance, they are unable to determine or come to any definite conclusion. As Lots having been purchased for the site of the public building & the first story of the walls being raised, good policy would require that nothing should be done that might probably tend to retard the building or cause loss to the Territory & your committee in submitting this report disclaim any intention of that kind.

The Committee in consideration of the question referred to them have approached it with that caution & reflection which the importance of the subject merited. They have examined the several acts of Congress, the first of which is the act of the 2d of March 1831. That act grants to the Territory Sections of Land "for the purpose of raising a fund for the erection of a public building at Little Rock the seat of Government" & empowers the Legislature to adopt such measures for

the sale of the same as they may deem expedient. An act was passed at the subsequent session of Congress approved the 4th of July 1832, entitled an act to authorize the Governor of the Territory of Arkansas to select ten sections of land granted to said Territory for the purpose of building a Legislative House for said Territory and for other purposes". By this act, all the authority and power given to the Legislature by the act of the 2nd of March 1831, is vested in the Governor. The other act of Congress granting and to the Territory is "an act granting to the Territory of Arkansas one thousand acres of land for the erection of a Court House and Jail at Little Rock, approved June 15th, 1832". This act grants to the Territory of Arkansas a quantity of land, not exceeding 1000 acres, adjoining the town of Little Rock, for the erection of a Court House and Jail in said town, to be selected by the Governor and disposed of in such manner as the Legislature may by law direct, and the proceeds of the same to be applied towards rebuilding said Jail and Court House, and the surplus to such objects as the Legislature of the Territory may deem proper;" this act passed at the last session of Congress approved the 2nd of March 1833 directs the issuing of patents for the said 1000 acres, empowers the Governor to cause the same to be laid off into lots and to dispose of the same at public sales, and apply the proceeds to the erection of a Court House and Jail, and the surplus remaining, to the erection of a House for the present and future Governors of Arkansas. The 2nd section of this last act authorized the Governor, in case suitable situations cannot be had free of cost to the Territory for the location of the State House as well as for the Court House and Jail in the town of Little Rock", to select and lay off suitable squares for each of those buildings, in the addition to the town of Little Rock made by the surveyor east of said town.

In examining the provisions of said acts it does appear to the Committee that there is a discrepancy in the two first acts relating to the ten sections, their provisions not being so full and

ample as those of the two latter relating to the thousand acres. The act of the 2nd March 1831 grants the ten sections to the Territory for the purposes aforesaid. To be disposed of in such manner as the Legislature may direct, The grant having been made to the Territory for the purpose of raising a fund for a specific object, no doubt can be entertained, but that the Legislature had power to carry into effect the intention of the act by legislative enactments, appropriating the proceeds to the erection of a public building. without the further aid of Congress, whether that power has been vested in the Governor by the act of the 4th of July 1832. is the question on which the different opinions of the Governor and Secretary arise. The former having acted under the conviction that it was, and the latter being of the opinion that the power vested in the Governor extended no further, than to select the said lands. The Committee in coming to a conclusion in respect to the power vested in the Governor by the act of the 4th July 1832 and desiring to be aware that the broad and general principles of that act, would seem to sanction the construction under which he acted in proceeding with the erection of the public building without the further aid of legislative enactment. Testing however the act of the 4th of July 1832 by general principles, in order to arrive at the intention of Congress in the passage of said act, it would seem the act of the 2nd of March 1831 having given to the Legislature of the Territory the power to enact laws for the sale of the ten sections and to appropriate the proceeds towards the erection of a building, that had it been the intention of Congress to divest the Legislature of all power over the ten sections, they would have provided specifically in the act of the 4th of July, for the application, and appropriated that fund for the purpose. This opinion will gain strength on a reference to the act of Congress of the 2nd March 1833. the provisions of which vest in the Governor the power previously given to the Legislature over the fund arising from the 1000 acres. but instead of trans-

= ferring the power by a broad provision [illegible] in the 6th of the 4th of July J, the Act goes on to provide specifically for the laying out of lots, sale &c. and appropriates the fund arising therefrom to the erection of a Jail and Court House &c. Your Committee are therefore of opinion that in order to clear up the doubts already existing respecting the construction of the Act of the 4th of July; and to prevent any others that might arise, it is advisable that further legislation should be had on the subject

They therefore recommend the adoption of the following resolution, and ask leave to be discharged from the further consideration of the subject.

Resolved, That further enactments appear necessary in the appropriation of the fund arising from the sale of the Lots Sections of Land granted by the Act of Congress ~~of the 2nd of March~~ 1821

On motion of Mr. Ficklin the report was ordered to lie on the table till tomorrow.

The following message was received from the House of Representatives by Mr. Clark

Mr. President - I am instructed to inform your honorable body that the House of Representatives has disagreed to the amendment of the Legislative Council made to "an act supplementary to the several Laws now in force regulating the mode of taking the Territorial Census" which bill is herewith transmitted for your concurrence.

On motion of Mr Farrelly the Council receded from the amendments alluded to in the above message & the Bill was returned to the House

The Bill regulating the manner in which judgments shall be confessed" was read a third time. Mr. Thompson moved to strike out all of the Bill except the enacting clause, which was rejected. The question then recurred on the final passage of the Bill. The yeas & nays being called for, were as follows

Yeas. Messrs Anderson, (Hempstead) Bean. Clark, Caldwell, Duty, Elliott, Ficklin

Farrelly. Judkins, Jones. Huyskendale, Moore. Martin, McKean. Smith. Fiddick & Mr. President – 18.

Nays Messrs. Calloway. Thompson & Wolf – 3

The Engrossed Bill concerning Bail in civil suits, was read a third time & passed and sent to the House of Representatives for concurrence.

Message from the House of Representatives by Mr Clark

Mr. President – I am instructed to inform your Hon. body, that "An Act to run & mark the line between the county of Scriven & Pike" has passed the House of Representatives & is herewith transmitted for your concurrence. & also the following Bills originating in the Council, to wit "An Act for the relief of Lafayette Jones, late Sheriff of Monroe County." & a Bill to be entitled "An Act exempting members of the Corps from serving as grand & petit Jurors" with amendments which are herewith returned & your concurrence asked therein.

On motion of Mr Clark, the Council resolved itself into committee of the whole, on the bill to protect Slaves from cruel & inhuman treatment by their masters" Mr. Ficklin in the chair. & after some time spent therein the committee rose. & the President having resumed the chair; Mr. Ficklin reported that the committee had according to order had said Bill under consideration, & that they had instructed him to report the same without amendments.

On motion of Mr Farrelly. the Bill was committed to a select committee of Messrs. Farrelly, Anderson & Ficklin.

Mr Smith offered the following resolution. Resolved That the President of the Legislature Council be requested to take a recess at half after one every day, and to meet at three O'clock for the purpose of facilitating business during the balance of the Session. Which was rejected"

On motion of Mr. Smith, the Council resolved itself into Committee of the whole on the Act providing for the redemp-

tion of Lands stricken off to the Territory for the non payment of Taxes." Mr. Calloway in the chair, & after some time spent therein the committee rose, & the President having resumed the chair Mr. Calloway, reported that the Committee had according to order had said Bill under consideration, and that they had instructed him to report the same without amendments.

On motion of Mr. Farrelly, the amendments made to the Bill in Select committee, were then adopted & the Bill was ordered to be engrossed & read a third time to-morrow.

Pics 15, 7, 113.

On motion of Mr Farrelly, the Council resolved itself into committee of the whole, on the Bill to be entitled "An act to compell the Clerks of the Circuit & County Courts to transmit the tax lists and other vouchus to the auditor." Mr. Tidwell in the chair, and after some time spent therein, the Committee rose, & the President having resumed the chair; Mr. Tidwell reported that the committee had according to order had said Bill under consideration, and had instructed him to report the same with amendments.

On motion, the Council agree to the amendments of the committee & the Bill was read a third time & passed & sent to the House of Representatives for concurrence.

Mr. Thompson offered the following resolution. Resolved That the committee to whom was referred the letter of Elijah A Moore, have power to send for persons & papers, provided they do not send out of the town of Little Rock

Upon the question for adopting the resolution, Mr. Smith called for the yeas & nays. Which was decided in the affirmative as follows

Yeas. Messrs Bean, Clark, Calloway, Daty, Farelly, Judkins, Jones, McKean, Thompson & Wolf- 10-

Nays. Messrs. Alexander, Fielder, Moore, Martin, Smith Tidwell & Mr President. 7-

The Engrossed Bill from the House of Representatives, entitled "An act to run & mark the line between Scott & Pike Counties" was read the first time. On motion of Mr. McKean the Rules of the Council were dispensed with & the Bill ordered to its Second & third reading & passed & returned to the House of Representatives

The council concurred in the amendamendment made by the House of Representatives to the Bill for the relief of Lafayette Sons.

The Council disagree to the amendments made to the bill entitled "An act to exempt ministers of the Gospel from serving as grand or petit jurors" by the House of Representatives and the Bill was returned to the House for their reconsideration

And the council adjourned

Tuesday Nov. 12.

The Council assembled

The following message from the House of Representatives by Mr Watson.

Mr. President. I am instructed to inform your honorable body, that the following Bills have passed the House of Representatives to wit "An act apportioning the debts of the counties of Clark & Hempstead, with the county of Pike" "An act for the benefit of Mechanics" "An act for the relief of Isaac Gray Sheriff of Jackson County." "An act to regulate the militia of Van Buren County, & to apportion the public debt of the counties of Conway & Van Buren & for other purposes" which are herewith transmitted for your concurrence

A message from the H. of R. by Mr. Clark

Mr. President. I am instructed to inform your honorable body

that the House of Representatives has agreed to the resolution adopted by the Council on the letter of Elijah A Moore & also the House has added Mr Buzzard to the committee on their part on the letter of Elijah A Moore.

Mr. Thompson moved that the following Report of the select committee on the communication from William S. Fulton Esqr. be read from the Journals [illegible]

The select committee to whom was referred the letter of Wm S. Fulton Esqr (Secretary of the Territory) and the accompanying documents, have had, according to order, the same under consideration. The documents before the committee state that a difference of opinion exists between the executive officers of the Territory (Governor and Secretary) in respect to the construction of the Acts of Congress, granting ten sections of land to the Territory "for the purpose of raising a fund for the erection of a public building at Little Rock, the seat of Government" and the object in laying the subject before the Legislature, appears to be a desire on the part of the Secretary, to elicit an expression of opinion from the Representatives of the People, on the Acts of Congress relative to said grant. When it is borne in mind, that men of the most profound legal information have been known to differ in opinion, on the construction of Acts of a similar nature", it cannot be considered a matter of much surprize, that a difference should exist in the case now before the Committee

From the peculiar nature and practical operation of our Government, the whole duties of the Executive devolve on the Secretary as acting Governor in the absence of the Chief Magistrate A difference of opinion between these officers, on matters affecting the General interests of the Territory, must be a subject of regret and deep concern with the people, and the Committee acknowledge that it is so with them, but how to reconcile the difference of opinion in the present instance, they are unable to determine, or come to any definite conclusion. Not having been pur-

= chased for the site of the public building, and the first story of the walls being raised, good policy would require that nothing should be done, that might possibly tend to retard the building, or cause loss to the Territory, and your committee in submitting this report, disclaim any intention of that kind.

The committee in the consideration of the question referred to them, have approached it with that caution and reflection, which the importance of the subject merited— They have examined the several acts of Congress, the first of which is the act of the 2nd of March 1831. That act grants to the Territory ~~in~~ sections of land "for the purpose of raising a fund for the erection of a public building at Little Rock, the seat of Government," and empowers the Legislature to adopt such measures for the sale of the same, as they may deem expedient. The act was passed at the subsequent session of Congress, approved the 4th of July 1832. entitled an act to authorize the Governor of the Territory of Arkansas, to select ten sections of land granted to said Territory, for the purpose of building a Legislative house for said Territory and for other purposes," By this act all the authority and power given to the Legislature by the act of the 2nd of March 1831 is vested in the Governor. The first act of Congress granting land to the Territory is "an act granting to the Territory of Arkansas one thousand acres of land for the erection of a Court House and Jail at Little Rock," approved June 15th 1832." This act grants to the Territory of Arkansas a quantity of land not exceeding 1000 acres adjoining the town of Little Rock, for the erection of a Court House and Jail in said town, to be selected by the Governor, and disposed of in such manner as the Legislature may by law direct, and the proceeds of the land so applied towards the building of said Jail and Court House, and the purposes to such extent as the Legislature of the Territory may deem proper. The act passed at the last session of Congress approved the 2nd of March 1833, directs the issuing of patents for the said 10 sections and empowers the Governor to sell the same in lots, and to dispose of the same at public sale, and to apply the proceeds to the erection of a

Court House and Jail, and the surplus remaining of the reservation of a Town for the present and future Governors of Arkansas — The second section of this last act authorizes the Governor, "in case suitable situations cannot be had free of cost to the Territory, for the location of the State House as well as for the Court House and Jail in the Town of Little Rock", to select and lay off suitable squares for each of those buildings in the addition to the Town of Little Rock, made by the laying out of said lots —

In examining the provisions of said acts, it does appear to the Committee, that there is a discrepancy in the two first acts, relative to the Ten sections, their provisions not being so full and ample as those of the two latter, relating to the 1000 acres. — The act of the 2nd of March 1831 grants the ten sections to the Territory for the purposes aforesaid, to be disposed of in such manner, as the legislature may direct. The grant having been made to the Territory for the purpose of raising a fund for a specific object, no doubt can be entertained but what the Legislature had the power to carry into effect the intention of the act by legislative enactments, appropriating the proceeds to the erection of a public building, without the further aid of Congress. Whether that power has been vested in the Governor by the act of the 4th of July 1832 is the question on which the different opinions of the Governor and Secretary arise, the former having acted under the conviction that it was, and the latter being of the opinion that the power vested in the Governor extended no further, than to select and sell the land. The committee in coming to a conclusion in respect to the power vested in the Governor, by the act of the 4th of July 1832 are deeply aware that the broad and general provisions of that act would seem to sanction the construction under which he acted in proceeding with the erection of the public building without the further aid of legislative enactments. Testing however the act of the 4th of July 1832 on general principles in order to arrive at the intention

of Congress in the passage of said act, it would seem that the act of the 2nd of March 1831, having given to the Legislature of the Territory the power to enact laws for the sale of the ten Sections and to appropriate the proceeds towards the erection of the building that, had it been the intention of Congress to divest the Legislature of all power over the Ten Section fund, they would have provided specifically in the act of the 4th of July for the application and appropriate that fund for the purpose. This opinion will gain strength on a reference to the act of Congress of the 2nd of March 1833 the provisions of which vest in the Governor the power previously given to the Legislature over the fund arising from the Thousand acres, but instead of transferring the power by a proviso ~~section~~ provision (as in the act of the 4th of July) the act goes on to provide specifically, for the laying out of lots, sale &c and appropriates the fund arising therefrom to the erection of said Court Houses &c

Your Committee are therefore of opinion, that in order to clear up the doubts already existing in respect to the construction of the act of the 4th of July, and to prevent any others that might arise to aggravate that further legislation should be had on the subject they would therefore recommend the adoption of the following resolution, and ask leave to be discharged from the further consideration of the subject.

Resolved That further enactment appears necessary in the appropriation of the fund arising from the sale of the Ten Sections of land granted by the act of Congress of the 2nd of March 1831.

On the question of erasing the above Report from the Journals, Mr ~~Smith~~ called for the yeas and nays, which stood as follows, Yeas Messrs Anderson, Alexander, Clark, Elliot, Hall, Farrelly, Jones, Moore, Martin, Smith, Thomas, Tompkins and President 13. Nays Messrs Bean, Duty, Hukins, Mc Kean and Wolf. 5. and the Report was erased.

Message from the House of Representatives by Mr Magness
Mr President

I am instructed to inform your Honorable Body that the following Bill has been passed by the House of Representatives, to wit, "An Act allowing compensation to members of the present General Assembly & their officers" and is herewith transmitted for your concurrence.

Mr Bean from the joint committee on Enrollments, made the following report,

The joint Committee on Enrollments, have examined the following Bills and find them to be correctly enrolled, to wit

An Act for the relief of Lafayette Jones, Sheriff of Monroe County A. T.

An act supplementary to the several laws now in force, regulating the mode of taking the Territorial Census.

The engrossed Bill from the House of Representatives, entitled "An Act to apportion the debts of the Counties of Clark & Hempstead, with the County of Pike, and for other purposes;" was read a first time and ordered to a second reading.

The Bill from the House of Representatives, entitled "An Act for the benefit of Mechanics", was read the first time and ordered to a second reading.

The Bill from the House of Representatives entitled "An Act allowing compensation to the members of the present General Assembly of the Territory of Arkansas, and their officers" was read the first time, and on motion of Mr Fulkerson the Rules of the Council were dispensed with, and the bill was read a second time. And on motion of Mr Clark it was committed to a Committee of the whole, and made the order of the day for to-day.

Message from the House of Representatives by Mr Martin

Mr. President I am instructed to inform your honorable body that the following Bills have passed the House of Representatives to wit. "An act concerning the summoning witnesses" "An act supplementary to an act to enable Judgment creditors to collect their debts with more facility" which are herewith transmitted for your concurrence

On motion of Mr. Farrelly, the report of the Committee on the communication of William S. Sutton, Esq. Secretary of the Territory, was taken up & read. Mr. Farrelly moved that the Council adopt the report. Mr. Picklin moved that the question be taken upon the adoption of this report, separate from the resolution connected with it which was agreed to. The yeas & nays being called for on the adoption of the report, was as follows. Yeas. Messrs. Alexander, Bean, Clark, Calloway, Duty, Elliott, Picklin, Farrelly, Judkins, Sims, Tunstall, Kendall, Moore, Martin, McKean, Smith, Thompson, Tidwell, Wolf, & Mr. President. 17. Nays. None. So the question was carried unanimously.

Mr. Farrelly then moved that the following resolution accompanying the report be adopted. (here insert title) The Yeas & nays being called the question was decided in the Negative as follows.
Yeas. Messrs. Bean, Clark, Calloway, Duty, Farrelly, Judkins, McKean & Wolf. 8.

Nays. Messrs. Alexander, Elliott, Picklin, Sims, Tunstall, Kendall, Moore, Martin, Smith, Thompson, Tidwell & Mr. President. 11

So the Resolution was rejected & the report as follows adopted

The select committee to whom was referred the letter of William Sutton Esqr (Secretary of the Territory) and the accompanying documents, have attended according to order, the same under consideration. The documents refer the committee state, that a difference of opinion exists between the executive officers of the Territory (Governor & Secretary) in respect to the construction of the act of Congress

ten sections of land
granting to the Territory; "for the purpose of raising a fund for
the erection of a public building at Little Rock the seat of
Government;" and the object in urging the subject before the
Legislature, appears to be a desire on the part of the Secretary
to elicit an expression of opinion from the Representatives of
the people on the acts of Congress relating to said grant — When
it is borne in mind, that men of the most profound legal
information have been known to differ in opinion as to construc-
tion of acts of a similar nature, it cannot be considered a
matter of much surprise, that a ~~differ~~ difference should exist
in the case now before the committee.

From the peculiar nature and political operation of our
Government the whole duties of the executive devolve on the Secre-
tary as acting Governor in the absence of the chief Magistrate.
A difference of opinion between these officers in matters affecting
the general interests of the Territory must be a subject of regret
and deep concern with the people, and the Committee acknowledge
that it is so with them; but how to reconcile the difference of
opinion in the present instance, they are unable to determine
or come to any definite conclusion. A lot having been purchased
for the site of the public building, and the first story of the walls
being raised, good faith would require that nothing should
be done, that might probably tend to retard the building or cause
it to the Territory, and your committee in submitting
this report, disclaim any intention of that kind.

The Committee in the consideration of the question referred
to them, have approached it with that caution and reflection, which
the importance of the subject merited. They have examined the
several acts of Congress, the first of which is the act of the 2nd of March
1831. That act grants to the Territory ten sections of land, "for
the purpose of raising a fund for the erection of a public building
at Little Rock the seat of Government, and empowers the Le-
gislature to adopt such measures for the sale of the same, as
they may deem effectual. — The Act was passed at the Ses-

- Sequent Session of Congress, approved the 4th of July 1832, entitled "An act to authorize the Governor of the Territory of Arkansas to select ten Sections of Land granted to said Territory for the purpose of building a legislative House for said Territory and for other purposes". By this act, all the authority and power given to the Legislature by the Act of the 2nd of March 1831 is vested in the Governor. The other act of Congress granting land to the Territory, is "an act granting to the Territory of Arkansas one thousand acres of land, for the erection of a Court House and Jail at Little Rock, approved June 15th 1832." This act grants to the Territory of Arkansas a quantity of land, not exceeding 1000 acres, adjoining the Town of Little Rock or the erection of a Court House and Jail in said Town, to be selected by the Governor and disposed of in such manner as the Legislature may by law direct, and the proceeds of the land is to be applied towards the building of said Jail and Court House, and the surplus to such Object as the Legislature of the Territory may deem proper. An act passed at the last Session of Congress, approved the 2nd of March 1833. directs the Issuing of patents for the said 1000 acres, empowers the Governor to lay off the same in lots, and to dispose of the same at public sale, and apply the proceeds to the erection of a Court House and Jail, and the surplus remaining to the erection of a House for the present and future Governors of Arkansas. The second Section of this last act authorized the Governor "in case suitable situations cannot be had, free of cost to the Territory, or the location of the State House as well as for the Court House and Jail in the Town of Little Rock" to select and lay off suitable Squares for each of their buildings in the addition to the Town of Little Rock made by the laying out of said lots

In examining the provisions of said acts, it does appear to the Committee that there is a discrepancy in the two first acts relative to the ten Sections, their provisions not being so full and ample as those of the two latter relating to the 1000 acres. The act of the 2nd of March 1831 grants the ten Sections to the Territory for the purpose

of raising a fund for a specific object, no doubt can be entertained but that the Legislature had the power to carry into effect the intention of the act by Legislative enactments appropriating the proceeds to the erection of a public building without the further aid of Congress, whether that power has been vested in the Governor by the act of the 4th of July 1832 is the question on which the different opinions of the Governor & Secretary rise, the former having acted under the conviction that it was, and the latter being of the opinion that the power vested in the Governor extended no further than to select & sell the Lands. The committee in coming to a conclusion in respect to the power vested in the Governor by the act of the 4th July 1832, are sensibly aware, that the broad and general provisions of that act would seem to sanction the construction under which he acted in proceeding with the erection of the public buildings without the further aid of Legislative enactment, testing however the act of the 4th of July 1832 on general principles, in order to arrive at the intention of Congress in the passage of said act. It would seem that the act of the 2d of March, 1831, having given to the Legislature of the Territory the power to enact laws for the sale of the Sections and to appropriate the proceeds towards the erection of the building, that had it been the intention of Congress to divest the Legislature of all power over the Sections Land, they would have provided specifically in the Act of the 4th of July for the application & appropriation that fund for the purpose, this opinion will gain strength on a reference to the act of Congress ~~1833~~ of the 2d of March 1833. the provisions of which vests in the Governor, the power previously given to the Legislature over the fund arising from the Thousand acres; but instead of transferring the power by a broad provision (as in the act of the 4th of July) the act goes on to provide specifically for the laying out of Lots, Sale &c. and appropriates the sums arising therefrom to the erection of a Jail and Court House &c. Your committee are therefore of opinion that in order to clear up the doubts already existing in respect to the construction of the act of the 4th of July and to prevent any others that might arise, it is advisable that further legislation should be had on the subject, they would therefore recommend the adoption of the following

resolution, and ask leave to be discharged from the further consideration of the subject

A message from the House of Representatives by Mr Rutherford Mr. President I am instructed to inform your Honorable body that the House of Representatives insist upon the amendments made by the House to "A Bile to be entitled an act exempting ministers of the gospel from serving as grand & petit Juros" & have appointed Messrs Rutherford, Clark & Talbot, a committee of conference on the part of the House & ask your concurrence

On motion of Mr Bean the Council resolved itself into committee of the whole, On the Bile making compensation to the members & officers of the present general assembly, Mr Bean in the chair and after some time spent therein, the committee rose, & the President having resumed the chair - Mr. Bean reported that the Committee had according to order had said Bile under consideration & had instructed him to report the same with sundry Amendments. Which amendments were agreed to by the Council - & the Bile ordered to be read a third time. & passed & sent to the House of Representatives for concurrence.

II

On motion of Mr. Smith, Mr. Elliott was added to the committee on the letter of E. A. Moore

The Bile from the House of Representatives entitled "an act for the relief of James W. Robinson. was read a third time & passed & sent to the House of Representatives

The Engrossed Bile from the House of Representatives entitled an act for the relief of the illegitimate children of Christian Bromback was read the first time & ordered to a second reading

The Bile from the House of Representatives, entitled "an act supplementary to an act, entitled An act enabling judgment creditors to collect their debts with more facility, was read the first time and

ordered to a second reading

The Bill from the House of Representatives, entitled "An act concerning the summoning of Witnesses" was read the first time and ordered to a second reading

The Bill from the House of Representatives entitled "An act to regulate the militia of Van Buren County" & to apportion the public debt of the counties of Conway & Van Buren, was read the first time & ordered to a second reading

The engrossed Bill from the House of Representatives, entitled "an act to apportion the debts of the Counties of Clark and Hempstead with the county of Pike & for other purposes" was read the first time & ordered to a second reading.

The Bill from the House of Representatives for the relief of Isaac Gray, Sheriff of Jackson County, was read the first time. On motion of Mr. Sedwick the Rules of the Council were suspended with & the bill was read the second & third time & passed and sent to the House of Representatives.

A message from the House of Representatives by Mr. Martin

Mr President— I am instructed to inform your Honorable body that the following Bills have passed the House of Representatives to wit: "An Act for the better selecting & Love Lands Provided for under an act of Congress, 21st May 1828" (originating in the council) with sundry amendments, & your concurrence is asked therein. And also "An Act for the relief of the illegitimate children of Christian Brunback & his wife with transmittal for your concurrence."*

A message from the House of Representatives by Mr Martin

Mr President— I am instructed to inform your Honorable body, that

* Note "So comes in after (I) in the opposite page.

the House of Representatives, disagree to the amendments made by the Councie to "An act allowing compensation to the members of the present General Assembly & their officers" which is herewith returned & your honorable body is asked to recede from the same, and an act authorizing the removal of the administration on the estate of Jacob Baldhart from the County of Lawrence to the county of Pulaski," has passed the House of Representatives & your concurrence is asked therein.

On motion of Mr Farrelly the Councie insists on the amendments made to the compensation Bill & Messrs Farrelly, Ficklin & Tidwell were appointed a committee of conference, to act in concert with such committee as may be appointed on the part of the House of Representatives

The Bill from the House of Representatives, entitled "An act to authorize the removal of the administration on the estate of Jacob Baldhart from the county of Lawrence to the county of Pulaski, was read the first time & ordered to a second reading.

On motion of Mr. Farrelly "the Bill changing certain revenues, was ~~read the first time~~ taken up & referred to a select committee consisting of Messrs. Farrelly, Ficklin & Elliott.

~~And the Councie adjourned~~

(Note Y) "Resolved, that further enactment appears necessary, in the appropriation of the fund arising from the sale of the Section of land, granted by the act of Congress of the 2nd of March 1831" ——

And the Council adjourned ——

Wednesday Nov 13.

The Council assembled

A message from the House of Representatives by Mr Martin

Mr President— I am instructed to inform your honorable body that the House of Representatives has appointed Messrs Martin, Finnin & Bust a committee of conference on the part of the House on the "Act allowing compensation to the members of the present General Assembly & their officers"

Mr. Brand from the Joint Committee on Enrollments report that that committee have examined the following Acts & find the same to be correctly enrolled viz "An act to run & mark the line between the counties of Sevier & Pike" "An act to compensate James W Robertson for services performed by him as prosecuting attorney pro tempore for the 2d Judicial circuit."

A message from the House of Representatives by Mr Bazzard Mr. President— I am instructed to inform your honorable body that "A bill to be entitled an act supplementary to the several laws now in force concerning roads & highways" has passed the House of Representatives with sundry amendments, & is herewith returned for your concurrence is asked therein— Also "An act to levy a tax & build a bridge Court House in the County of Lafayette" & is herewith transmitted for your concurrence On motion of Mr. Farrelly the Council disagreed to the amendments made to the Bill, concerning "Roads and highways"

Mr. Sadler from the committee to whom was referred the Bill entitled "An act for the protection of certain mechanics & laborers— reported the same with an amendment. Mr. Farrelly moved that the Bill be indefinitely postponed. On the question for postponement. Mr Thompson called for the yeas and nays— and the question was decided in the negative as follows

Yeas. Messrs. Nutt. Farrelly. Thompson & Wolf. 3.

Nays. Messrs. Anderson, Alexander, Clark, Calloway, Elliott Sadler, Jones, Moore, Martin, McKean, Smith, Sadler & Mr President 13.

A Message from the House of Representatives by Mr Clark

Mr President I am instructed to inform your Honorable body, that the following Bill has passed the House of Representatives, to wit: A Bill to be entitled "An act supplementary to an act establishing County Courts" with sundry amendments, & is herewith returned & your concurrence is asked thereto.

On motion of Mr. Smith, the Bill establishing County courts returned from the House of Representatives, was taken up. Mr. Farrelly moved to amend the first amendment, upon which amendment the yeas & nays were called for, which were as follows

Yeas Messrs Anderson, Alexander, Bean, Clark, Ficklin, Farrelly, Jones Hayskendall, Moore, Smith, Sedarls & Mr. President — 12

Nays Messrs Calloway, Elliott, Jenkins, Macton, McKeans, Thompson & Wolf — 7

So the Bill was amended by fixing the elections of all civil officers on the 2d Monday of December

On motion of Mr. Farrelly, the second amendment of the Bill was agreed to & the third & fourth disagreed to, & the Bill returned to the House of Representatives

The following message was received from the House of Representatives by Mr. Hinton

Mr. President — I am instructed to inform your Honorable body that the House of Representatives has adopted the following resolution to wit: Resolved, That the House of Representatives appoint Saturday the 11th day of November, 1833 to adjourn sine die and request the concurrence of the [redacted] Legislative Council" Which resolution was concurred in by the Council & the House informed thereof.

A message from the House of Representatives by Mr Martin

Mr. President — I am instructed to inform your Honorable body that the House of Representatives has passed a "Resolution and Circular" on the subject of Public Lands with sundry amendments & your concurrence is asked thereto

A message from the House of Representatives by Mr. Rathford Mr. President. I am instructed to inform your honorable body that the House of Representatives has adopted the accompanying resolution & ask your concurrence.

Whereas information has been given by the governor, that he would at half past 12 O'clock on this day, make a communication to both Houses of the General Assembly of this Territory upon the subject of the public buildings &c Therefore be it Resolved. That the Legislative Council & House of Representatives, will convene in the Hall of the House of Representatives at ½ past 12 O'clock to receive said communication. Which resolution was concurred in by the Council and the House informed thereof.

A message from the House of Representatives by Mr. Hanks. Mr. President I am instructed to inform your honorable body that "An act to incorporate the Town of Helena" has passed the House of Representatives & is herewith transmitted for your concurrence

Mr. Martin presents a petition from the citizens of Little Rock, praying for a new act of incorporation

At half past 12 O'clock the Council, on motion, proceeded to the Hall of the House of Representatives, when a message was received from the Governor by his Private Secretary. Mr Field.

(For message see journals of the House of Representatives of this date.)

The Council then returned to their own chamber

On motion of Mr Anderson. The Bill supplementary to the laws in force concerning runaway Slaves was taken up.

Mr. Fendley offered an amendment to the Bill which was adopted. Mr Clark offered an amendment— and upon the question of amendment, the yeas & nays were called, which

resulted in the negative as follows.
Yeas Messrs Bean. Clark, Calloway, Ficklin. Judkins Mc Kean, Thompson, Wolf & Mr. President 9
Nays. Messrs. Anderson, Alexander, Duty, Farrelly, Jones. Kuykendall, Moore, Martin, Smith & Tidwell 10.

Mr. Bean moved to postpone the Bill indefinitely - On the question for indefinite postponment. the yeas & nays were called, which were as follows

Yeas Messrs Bean Clark. Calloway. Ficklin. Judkins, Mc Kean Thompson Wolf & Mr President 9

Nays. Messrs. Anderson, Alexander, Elliott. Farrelly, Jones Kuykendall. Moore. Martin, Smith & Tidwell 10-

So the motion was rejected

Sig. 16-p. 121

The question then recurred on the final passage of the Bill. The yeas & nays being called, were as follows

Yeas. Messrs Anderson, Alexander, Elliott. Farrelly. Jones. Kuykendall. Moore, Martin, Smith & Tidwell 10-

Nays. Messrs. Bean. Clark. Calloway, Duty, Ficklin, Judkins, Mc Kean, Thompson, Wolf & Mr. President 10.

So the Bill was rejected

A Message from the House of Representatives by Mr. Rutherford

Mr. President - I am instructed to inform you that the House of Representatives has passed "An act governing the appointment & commissioning justices of the peace" and herewith transmits to your concurrence, & I am instructed to in inform you that the House insist upon the amendments they have made to "an act supplementary to an act establishing county courts" and have appointed Messrs Martin Rutherford & White a committee of conference on their part & ask your concurrence.

On motion of Mr. Farrelly the Legislature Council appointed a committee of conference on the amendments to the Bill establishing County Courts & the Committee ~~did~~ consisted of Messrs Farrelly, Smith & Thompson

On motion of Mr. Martin the Bill to incorporate the Town of Little Rock was taken up. Mr. Farrelly moved to postpone the Bill indefinitely - upon which question the yeas & nays were called & the question decided in the negative as follows.

Yeas. Messrs Bean, Clark, ~~Gaddis~~ Duty, Farrelly, Moore, McLean Thompson & Prof. 8.

Nays. Messrs. Anderson, Alexander, Calloway, Elliott, Ficklin, Jones, Jeffkins, Kaykendall, Martin, Smith & Mr. President. 12

On motion of Mr. Smith the Bill was committed to a committee of the whole & made the order of the day for to-morrow

Mr. Farrelly from the committee to whom was referred "the Bill changing certain venues" reported the same with an amendment, which was read. On motion the Rules of the Council were dispensed with, and the bill read a second time. Mr. Farrelly then offered an amendment to the bill which was adopted, and the title being amended - the Bill was ordered to be engrossed & read a third time to-morrow.

A message from the House of Representatives by Mr Byrne Mr. President. I am instructed to inform your honorable body that the following bills have passed the House of Representatives, with amendments to wit. "An act to authorize the election of officers in the County of Carroll & for other purposes." "An act providing a mode of contesting elections of all officers both civil & military" "An act providing for the auditing grand & petit jurors accounts for fees." all of which are returned for your concurrence.

On motion the council concurs in the amendments made by the House of Representatives to the bills aforesaid

On motion of Mr. Farrelly, the engrossed Bill, entitled "An act for the reclamation of Lands delinquent to the Territory for the non payment of taxes" was read a third time & passed and sent to the House of Representatives for concurrence

On motion of Mr Smith, leave of absence was granted to

Mr Ficklin for the balance of the Session.

Mr Sidwell obtained leave of absence for the balance of the Session

On motion of Mr Thompson the Bill for the better selection of School Lands, returned from the House of Representatives, with amendments was taken up & the 1st amendment agreed to. On Motion of Mr Farrelly the second amendment was disagreed to.

On motion of Mr Jackson the act apportioning the electors of the Counties of Clark & Hempstead with the County of Pike was read a second time & referred to a select committee composed of Messrs. Jackson, Clark & Thompson

The Bill from the House of Representatives, entitled "An Act to regulate the summoning of Witnesses was read a second time Mr. Moore offered an amendment to the Bill. Upon the question of adopting the amendment, Mr. Smith called for the yeas & nays, which were as follows.

Yeas Messrs Anderson, Alexander, Clark, Calloway, Dunty, Elliott, Farrelly, Judkins, Jones, Martin, McLean, Moore, Thompson, Sidwell, Wolf & Mr. President 16

Nays Mr. Smith 1

So the amendment was adopted & the Bill was ordered to a third reading to morrow

And the Council adjourned

Thursday November 14

The Council assembled

The Bearer from the joint Committee of Enrollments reported that that committee had examined the following Acts & found the same to be correctly enrolled viz.

"An Act for the relief of Isaac Gray, Sheriff of Jackson County" "An Act for the election of Officers of the County of Carroll & for other purposes" "An Act providing a mode for contesting all offices the Election of all officers, both civil & Military in this Territory" "An Act to be entitled an Act providing for auditing grand jurors & witnesses accounts for fees."

Mr Farrelly from the committee of conference to whom was referred the amendments of the Bill allowing compensation to the members of the present general assembly & their officers Reported, that that Committee had met & conferred on said Bill & have come to the agreement to recommend to the Legislative Councils to recede from their first amendment & to the House of Representatives to agree to the 2d amendment of said Bill.

Which report was agreed to by the Council

The Bill from the House of Representatives, entitled an Act to Incorporate the town of Helena, was read the first time. On motion of Mr Rowe, the rules of the Council were dispensed with & the Bill ordered to its second & third reading & passed & returned to the House of Representatives.

A message from the House of Representatives by Mr Clark Mr President I am instructed to inform your Honorable body that the House of Representatives insist upon their amendment to "An act supplementary to the several Acts now in force in this Territory on roads & highways." & have appointed Messrs Martin, Rutherford & Whiteson a committee of conference on their part & ask your concurrence therein. And also they have receded from their second amendment to "a bill for the better selecting School Lands provided by act of Congress May 20th 1826."

On motion, the Council appointed Messrs Rowe, Farrelly & Clark a committee of conference on their part, to act with the committee of conference on the part of the House of Representatives on the above Bill

Mr Elliott from the Joint committee to whom was referred the digest of the Laws as prepared by Mr. McCampbell. Reported that the Committe having have given the same, as far as the time & circumstances would admit a thorough & minute examination, and being satisfied as far as they have examined, that the work is well executed arranged and neatly executed

Mr. Farrelly from the Select Committee to whom was referred the Bill to tax Banks &c. reported the Bill with sundry amendments which amendments were agreed to & the Bill ordered to be engrossed & read a third time to-morrow.

Mr Jackins from the select committee to whom was referred the Bill entitled "An act apportioning the debts of Clark & Hempstead with the County of Pike" reported the Bill with an amendment. On motion, the amendment was agreed to & on Motion of Mr. Thompson the rules of the Council were dispensed with & bill was read a third time & passed & returned to the House of Representatives

The Bill from the House of Representatives, intitled "An act governing the appointing & Commissioning of Justices of the Peace, was read the first time & ordered to a second reading

Mr Martin from the majority of the joint committee to whom was referred the Memorial letter of E.A. Moore, reported, That that committee have had the same under consideration. That they do not deem the charges made against said E.A. Moore, to the Legislature, sufficiently substantiated to authorize the Legislature to reject his nomination as a justice of the peace. From the evidence adduced before them, they are also of opinion that the said E.A. Moore, has demeaned himself as an efficient & useful justice of the peace. It is the opinion however of the Committee, that the said E.A. Moore is unnecessarily scrupulous in relation to the securities offered on the Sheriffs bonds by the Sheriff of Pulaski County.

Mr Clark from the minority of said Committee, Reported

that the Committee had given the same a patient & thorough investigation, by the examination of 3 & jury witnesses &c. that the testimony did not substantiate the charges preferred against said E. A. Moore in a petition presented to this general assembly, so far as relates to his official conduct as justice of the peace. But the minority feel bound in justice to themselves to report in relation to the conduct of said E. A. Moore, in rejecting the bond of the Sheriff of the County of Pulaski — that he acted from prejudicial motives in rejecting the bond of said Sheriff, & that the General Assembly should not recede from the vote they gave on the nomination of the said E. A. Moore

On. Moore moved to lay the two reports on the table until a day beyond the Session. Upon the question to lay the reports on the table, On. Bean called for the yeas & nays — which were as follows.

Yeas. Messrs. Anderson, Bean, Calloway, Doty, Farrelly, Judkins, Moore, McKean, Thompson & Wolf — 10

Nays. Messrs. Alexander, Clark, Elliott, Jones, Kaylor, Randall Martin, Smith & Mr. President — 8.

So the reports were laid on the table until a day beyond the Session.

A Message from the House of Representatives by Mr Roberts Mr President. I am instructed to inform your Honorable body that the following Bill has passed the House of Representatives, to wit "An act providing for the redemption of Lands sticken off to the State for non payment of taxes." and is herewith returned. And also that the House has agreed to the report of the Committee of Conference, on the Bill "making compensation to the members of the present General Assembly & their officers"

The Bill from the House of Representatives for the relief of the illegitimate children of Christian Brunback was read a 2d time. Mr. Thompson moved that the Bill lie on the table until a day beyond the Session, which was agreed to.

The Bill from the House of Representatives entitled "An act to ~~[illegible]~~ enable judgment creditors to collect their debts with more facility was read a second time & ordered to a 3d reading to-morrow

The Bill from the House of Representatives, authorizing the removal of the administration on the estate of Jacob Brickhart, from the County of Lawrence to the county of Pulaski, was read a second time & ordered to a third reading

Mr. Doty obtained leave of absence on account of indisposition

The Bill from the House of Representatives for the relief of mechanics, was read a second time - & on motion of Mr. Thompson the Bill was amended by striking out all after the enacting clause. & the Bill was ordered to lie on the Table.

On motion of Mr. Smith, the enacting clause of the Bill was taken up & so amended as to form a Bill for the establishment of the County of Johnson, which amendments were read & agreed to by the Council. On motion, the rules of the Council were dispensed with, and the Bill read a second & third time & passed and sent to the House of Representatives for concurrence

The act for the "Relief of certain mechanics & laborers", was read a third time. On the question being put for the final passage of the Bill, Mr Thompson called for the yeas & nays. which were as follows. Yeas Messrs. Anderson, Alexander, Elliott, Ludlum, Lowe, Hazlendine, Moore, Martin McClean, Smith & Mr. President. 11

Nays. Messrs. Bean, Clark, Calloway, Hardy, Thompson & Wolf. 6. So the bill passed - and was sent to the House of Representatives for concurrence

The Bill from the House of Representatives, concerning the summoning of witnesses, was read a second time, and on mo-

tion of Mr Moore was referred to a select committee consisting of Messrs Moore, Wolf & Alexander

The engrossed Bill entitled "An act to apportion the Representatives in the next general assembly & to exempt certain persons from paying a Poll tax, was read a third time & passed & sent to the House of Representatives for concurrence

The Council appointed Messrs. Wolf, Smith & Jackins, a committee of conference to act with the committee of conference raised on the part of the House of Representatives, on their amendments to the Bill for the relief of Preachers of gospel.

Mr. Smith offered the following Resolution

Resolved that the secretary of the Council be instructed to have printed Copies of the Governor's communication, in relation to the Internal Improvement Fund & progress of the State Banks. for the use of the members of the Council, which resolution was adopted.

Mr. Elliott moved to fill the blank with 2000 copies which was rejected. Mr. Smith moved to fill the blank with 1500 which was rejected. 1000 was proposed & rejected. 800 was proposed & rejected. Mr. McLean moved to fill the blank with 500 copies. which was agreed to.

On motion of Mr. Martin, the Council resolved itself into committee of the whole on the Bill to incorporate the Town of Little Rock Mr Moore in the chair

and after some time spent therein the Committee arose & the President having resumed the chair. Mr. Moore reported that the Committee had had said Bill under consideration & had instructed him to report the same with amendments.

On motion of Mr. Martin the amendments were agreed to by the Council & the Bill ordered to be engrossed & read a third time to-morrow.

On motion of Mr. Farrelly, who voted in the affirmative on the passage of the Bill, legitimatizing the children of Chris.

tian Brumback, the Council agreed to reconsider his vote.

Mr. Farrelly then moved to strike out all of said Bill except the enacting clause, & to insert an amendment to the Bill, which was concurred in by the Council. On motion of Mr. Farrelly the title to said Bill was amended - and on motion the rules of the Council were dispensed with & the Bill ordered to its second & third reading & passed & sent to the House of Representatives for concurrence

See Journal B. for the proceedings of the balance of the Session